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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

TEMPORARY APPOINTMENT

Subparagraphs (2), (3) and (4) of § 2.114 (e) are amended as set out below. As amended, paragraph (e) of § 2.114 will read as follows:

§ 2.114 *Temporary appointment.*

* * *

(e) *Agency authority to make temporary appointments.* Subject to the conditions specified, the Commission hereby delegates authority to agencies to make:

(1) Emergency appointments without examination in cases of extreme emergency where positions must be filled without delay, and where time does not permit the securing of prior authority of the Commission. Such emergency appointments may not continue for more than 31 days and may not be extended by the agency without the prior approval of the Commission.

(2) Temporary appointments pending establishment of a register as provided in paragraph (a) of this section until the agencies have been notified that certification for filling particular positions should be secured from the Commission. In making such appointments, agencies shall give preference first to qualified 10-point veterans and second to qualified 5-point veterans, and shall determine that the applicant meets the qualifications standards prescribed by the Commission and is not disqualified under § 2.104: *Provided*, That whenever the making of an appointment requires the determination that some person is physically disqualified for appointment, the agency must obtain a decision from the Commission.

(3) Temporary appointments for job employment as provided in paragraph (c) (1) of this section until the agencies have been notified that certification for filling particular positions should be secured from the Commission. In making such appointments, agencies shall give preference first to qualified 10-point veterans and second to qualified 5-point veterans and shall determine that the applicant meets the qualifications standards prescribed by the Commission and is not disqualified under § 2.104: *Provided*, That whenever the making of an appointment requires the determination that some person is physically disqualified for appointment, the agency must obtain a decision from the Commission. Appointments under this subparagraph may be extended for not to exceed 6 months without consideration of eligibles available on the agency's list of eligibles for temporary appointment, if the appointee's services are necessary to complete the job for which he was originally appointed. Such appointments may not generally be further extended except that persons entitled to 10-point veteran preference may be automatically extended for additional periods of not to exceed 6 months if their services are required and if authority to make temporary appointments has not been withdrawn by the Commission.

(4) Temporary appointments for job employment as provided in paragraph (c) (2) of this section, if the appointee meets the qualifications standards prescribed by the Commission and is not disqualified under § 2.104: *Provided*, That whenever the making of an appointment requires the determination that some person is physically disqualified for appointment, the agency must obtain a decision from the Commission. Appointments under this subparagraph may be made without regard to the priority order provided for in subparagraph (3) of this paragraph. These appointments may be extended for not to exceed 6 months, if the appointee's services are necessary to complete the job for which he was originally appointed. Prior approval must be secured for any further extensions beyond a total period of 1 year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 49-7501; Filed, Sept. 16, 1949; 8:46 a. m.]

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PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

Subpart E of Part 372, in Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9468) is amended to read as follows:

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

AUTHORITY: §§ 372.81 to 372.85 issued under sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interpret or apply secs. 43 (b), 51, 60 Stat. 1067, 1070, 7 U. S. C. 1017 (b), 1025. Other statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 372.81 to 372.85 contained in FHA Instruction 465.5.

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

§ 372.81 *General.* Sections 372.81 to 372.85 prescribe the authorities, policies, and procedures for the management of acquired farms from the time title to such farms is vested in the United States until they are sold or disposed of, and for their sale or other disposition.

(a) *Applicability.* For the purposes of §§ 372.81 to 372.85, acquired farms are farms which before acquisition were security for:

(1) Direct loans made pursuant to title I of the Bankhead-Jones Farm Tenant Act.

(2) Loans insured under title I of the Bankhead-Jones Farm Tenant Act.

(3) Credit sales of farms pursuant to sections 43 and 51 of the Bankhead-Jones Farm Tenant Act, and Public Law 563, 79th Congress.

(4) Credit sales by a State Rural Rehabilitation Corporation, directly or under the transfer agreement with the Secretary of Agriculture.

(5) Loans for farm improvements or farm development made from loans, grants, and rural rehabilitation funds.

(6) Loans where the note and mortgage (deed of trust) were assigned to the Government as security for, or the payment of, loans to, or in liquidation of, Defense Relocation Corporations, and Land Leasing and Land Purchasing Associations, including Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc., and Dyess Farms, Inc.

(7) The following types of operating loans:

(i) Production and subsistence loans.

(ii) Rural rehabilitation loans.

(iii) Emergency crop and feed loans.

(iv) Flood, and flood and windstorm restoration loans, made during the fiscal years 1944, 1945, and 1946.

(b) *Expeditious disposition of acquired farms.* Acquired farms will be sold or otherwise disposed of as expeditiously as possible consistent with the protection of the Government's investment in such farms. All acquired farms determined, at the time of acquisition, to be not suitable for title I purposes shall be disposed of within 18 months from the date of acquisition. When a farm is determined to be suitable for title I purposes at the time of acquisition, but later it is determined not practicable to dispose of the farm, for such purposes, the 18-month period during which the farm may be sold as surplus by the Farmers Home Administration will begin with the date on which the determination is made that the farm cannot be disposed of for title I purposes.

§ 372.82 *Delegation of authority.* Subject to the policies and procedures prescribed herein:

(a) The State Director is authorized to:

(1) Sell acquired farms and to execute deeds and other documents and instruments necessary in connection with such sales.

(b) The State Director or his delegate is authorized to:

(1) Determine the suitability of acquired farms for title I purposes.

(2) Lease or operate acquired farms.

(3) Execute caretakers' agreements.

(4) Enter into agreements prorating the payment of rent as between the Government and purchasers of acquired farms.

(5) When appropriate, pay taxes or make payments in lieu of taxes on acquired farms.

(6) Authorize such repairs and maintenance of acquired farms as may be necessary to protect the Government's interest.

§ 372.83 *State office routine subsequent to acquisition of farms.* The State Director will take such of the following actions with respect to each acquired farm as may be appropriate:

(a) *Suitability of acquired farms for title I purposes.* If the farm is, or can be developed into, or used in the development of an efficient farmily-type unit having a total value, as repaired, improved, or enlarged, not exceeding the average value of efficient family-type farm-management units in the county, with the purchaser's total investment not exceeding the county investment limit, the State Director will determine that the farm is suitable for title I purposes. If the total value exceeds the county investment limit but does not exceed the average value limit, the case will be referred to the National Office for prior approval of its suitability for title I purposes.

(b) *Care and leasing of acquired farms.* The State Director will furnish the County Supervisor with instructions regarding the care and leasing of acquired farms.

(1) *Caretaking.* Whenever it is impracticable to lease an acquired farm, and caretaking is deemed necessary to protect the Government's interest, such a farm may be placed under a caretaker's arrangement on terms approved by the State Director. The agreement will be reflected by the execution of Form FHA–529, "Caretaker's Agreement for Farm Ownership Farm." In no event will the Government operate an acquired farm under a caretaker's agreement for a period exceeding one year from the date of acquisition. No provision shall be included in the caretaker's agreement which will interfere with the expeditious sale or other disposition of the farm.

(2) *Leasing.* Acquired farms will be leased for the current cropping season, or the remainder thereof, when it is determined that such leasing is necessary to protect the Government's investment. The term of a lease may not exceed one year. Subject to the limitations on the period for sale, a farm may be leased for subsequent periods when necessary to protect the Government's interest. All leases will be on the best reasonable terms obtainable as determined by the State Director. Rent must be payable in cash, but the amount may be based on the market value of shares of agricultural commodities as provided on Form FHA–435, "Lease of Farm." In leasing farms determined to be suitable for title I purposes, preference will be given first to approved applicants for Farm Ownership loans and, second, to persons expected to meet the qualifications for such loans. Leases will be on terms that will not delay unnecessarily the sale of farms.

(c) *Maintenance and minor repairs on acquired farms.* (1) Ordinarily, acquired farms will be sold in the physical condition in which they are acquired. Expenses for maintenance and minor repairs necessary to protect the Government's interest, which cannot practicably

be deferred until after sale, may be incurred and paid by the Government. Where the contemplated expenditures for maintenance or repairs amounts to less than $300, the State Director will authorize the work to be done on a confirmatory basis. This authorization is not to be construed as dispensing with reasonable price inquiries among possible competitors.

(2) Where the contemplated expenditures for maintenance or repairs amount to $300 or more, the State Director will prepare and forward to the Area Finance Office Form FHA–9, "Request for Forms, Supplies, Equipment or Services," giving a detailed explanation of the work to be performed, the approximate cost, and a list of prospective bidders. The Area Finance Office will prepare and issue the invitation to bid.

(d) *Taxation on acquired farms.* Except as hereinafter provided, the Farmers Home Administration is required, in accordance with section 50 (a) of the Bankhead-Jones Farm Tenant Act, as amended, to pay taxes on farms acquired on behalf of the Government which are determined to be suitable for title I purposes, and, in accordance with section 50 (b) of the act, to make payments in lieu of taxes on farms acquired on behalf of the Government which are determined to be unsuitable for title I purposes.

(1) Neither tax payments nor payments in lieu of taxes will be made on acquired farms which represent assets of a State Rural Rehabilitation Corporation trust, except that under the Transfer Agreement with the South Carolina Rural Rehabilitation Corporation an obligation is imposed on the Secretary of Agriculture to pay out of the Trust Account such sums as are assessed by local Governments for taxes on lands transferred to the United States.

(2) Neither tax payments nor payments in lieu of taxes will be made on acquired farms which represent assets of the Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc. and Dyess Farms, Inc.

(e) *Sale of acquired farms within the Farm Ownership Program.* Acquired farms which are determined to be suitable for title I purposes will, whenever practicable, be sold within the Farm Ownership Program.

(1) *Determination of selling price.* The State Director will establish a selling price, based upon the normal earning capacity value of the farm, taking into consideration such amounts as may be required to repair, improve, or enlarge the farm to meet established Farm Ownership minimum standards. If the acquired land, or a part thereof, will be sold for the purpose of enlarging another Farm Ownership unit, the sales price of the land to be added will be established on the basis of an earning capacity report, prepared for the enlarged farm in accordance with §§ 322.1 to 322.3 of this chapter, and will be consistent with the normal market value of comparable properties in the community and must be within the certified value for the enlarged farm. If there are buildings on the land being added, and such buildings are needed by the borrower in carrying out his farming operations, consideration will be given to the use value of such buildings, to be acquired by the purchaser, in arriving at the sales price of the real property being sold to the borrower. If there are buildings that will not be sold to the borrower, such buildings should be disposed of in accordance with §§ 372.101 to 372.109 prior to consummation of the sale of the land, and if such buildings are not removed from the land being sold by the date of the sale, adequate provision will be stipulated in the sales instruments to allow sufficient time for removal. Also the reasonable value of the Government's interest in the mineral rights will be considered in determining the selling price.

(2) *Disposition of growing crops.* Growing crops, when not harvested under a caretaker's agreement, may be sold with the farm or separately. The State Director will determine the selling price thereof separately from that of the farm. Such crops may be sold for cash, but title I funds may not be loaned to enable a purchaser to make such purchases. When growing crops are sold on credit to a person eligible for the benefits of title I, either with the farm or separately, a separate note will be taken to evidence the sale price, payable not later than when the crops will be harvested. The separate note will be secured by a lien on the growing crops. When the growing crops are sold to any person not eligible for the benefits of title I, such crops will be sold pursuant to §§ 372.101 to 372.109.

(3) *Selection of purchaser.* The purchaser will be selected from applicants tentatively approved in accordance with §§ 316.21 to 316.24 of this chapter, with preference accorded veterans as provided in §§ 316.1 to 316.6 and §§ 321.1 to 321.8 of this chapter.

(4) *Sale to present Farm Ownership borrower.* An acquired farm, or part thereof, may be sold to a present Farm Ownership borrower, provided the State Director determines (i) the borrower's present unit is not an efficient family-type unit, and (ii) the addition of the acquired unit, or part thereof, will result in the borrower having an efficient family-type unit.

(f) *Methods of selling acquired farms within the Farm Ownership Program.* The methods outlined below will be followed in selling within the Farm Ownership Program, acquired farms determined to be suitable for title I purposes.

(1) *Sale to present Farm Ownership borrower.* An acquired farm, or part thereof, may be sold to a Farm Ownership borrower in a manner consistent with the policies and procedures for making a subsequent loan for farm enlargement purposes and the provisions of this paragraph applicable to the farm, or part thereof, to be sold.

(i) If prior to acquisition the acquired farm, or part thereof, to be sold to a Farm Ownership borrower represented security for a direct title I loan, or was a farm previously sold pursuant to title I in connection with project liquidation, and if the Farm Ownership borrower's initial loan was made from direct title I loan funds, or his Farm Ownership account was established through the acquisition of a farm sold pursuant to title I in connection with project liquidation, the acquired farm, or part thereof, to be added to the borrower's present farm may be sold to him on credit.

(ii) If prior to acquisition, the acquired farm, or part thereof, represented security for a loan other than a direct title I loan, or was not a farm sold pursuant to title I in connection with project liquidation, and if the present Farm Ownership borrower's initial loan was made from direct title I loan funds, or his Farm Ownership account was established through the acquisition of a farm sold pursuant to title I in connection with project liquidation, a subsequent direct Farm Ownership loan may be made to the borrower for the purpose of purchasing the acquired farm, or portion thereof, to be added to his present farm.

(iii) Under circumstances other than those described in subdivisions (i) and (ii) of this subparagraph, a direct or insured Farm Ownership loan will be made to the Farm Ownership borrower in sufficient amount to retire his present Farm Ownership indebtedness and to purchase the acquired farm, or part thereof, to be added to his present farm.

(2) *Sale to Farm Ownership applicant.* The sale of acquired real estate to an approved Farm Ownership applicant other than a present Farm Ownership borrower, will be accomplished by one of the following methods as the circumstances require.

(i) When it is not necessary to make the purchaser a cash loan for repairs, improvements or enlargement of the acquired real estate to be sold to the purchaser, the farm may be sold on credit except in those cases where, prior to acquisition, the farm represented security for an insured loan or an asset of a State Rural Rehabilitation Corporation, the Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc., or Dyess Farms, Inc. Such a sale will be considered as an initial loan and will be made on terms similar to and in a manner consistent with the provisions for making initial Farm Ownership loans.

(ii) When it is necessary to make the purchaser a cash loan for repairs, improvements, or enlargement of the acquired real estate to be sold to the purchaser, the real estate except real estate which, prior to acquisition, represented security for an insured loan or which represents an asset of a State Rural Rehabilitation Corporation, the Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc., and Dyess Farms, Inc., may be sold on credit in a manner consistent with the provisions for making initial Farm Ownership loans, simultaneously with making the cash loan for such repairs, improvements or enlargements. The cash loan will be treated as a subsequent loan for budgetary purposes.

(iii) An acquired farm which, prior to acquisition, represented security for an insured loan or which represents an asset of a State Rural Rehabilitation Corporation, the Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc., or Dyess Farms, Inc., will be sold for cash, and a direct or insured Farm Ownership loan will be made

for acquisition, and may include funds for repairs, improvements, or enlargement.

(g) *Disposal of farms outside the Farm Ownership Program.* Acquired farms, or parts thereof, determined to be not suitable for title I purposes and suitable farms which cannot be sold to an eligible purchaser within a reasonable time will be sold as expeditiously as possible outside the program by the Farmers Home Administration unless special reasons require their transfer to the appropriate Government agency for disposal.

(1) *Sale by the Farmers Home Administration.* The State Director is authorized to sell such farms at public or private sale to any individual at the best price obtainable, after public notice. Such sale may be accomplished by selling the land and buildings separately if such method of sale will result in the Government realizing a greater return from the sale. The sale may be either for cash or on terms of at least twenty percent (20%) cash with the balance secured by a first mortgage (deed of trust) on the property and payable in equal annual installments within five years with interest at five percent (5%) on the unpaid principal payable annually. The procedure prescribed in §§ 372.101 to 372.109 will be observed in carrying out the sales of farms under this subparagraph.

(2) *Reporting farms for transfer as surplus.* Acquired farms, or parts thereof, other than those representing corporation trust assets or which represented security for an insured mortgage loan, which cannot be disposed of for title I purposes will be transferred to another Government agency for disposal only when the efforts of the Farmers Home Administration have resulted in failure to obtain an acceptable bid after proper advertising and subsequent negotiations have resulted in the failure to sell the property, or the 18-months period within which the Farmers Home Administration may dispose of property representing an investment of appropriated funds has expired.

(h) *General matters pertaining to the sale of acquired farms.* The following general provisions will apply in connection with the sale of acquired farms:

(1) *Type of deed form.* Conveyances will be made by deed without warranty and will be executed by the State Director. If legally possible, and the sale is to be made within the Farm Ownership Program, the deed should create an estate with the right of survivorship. All minerals or mineral rights of the Government will be conveyed to the purchaser.

(2) *Abstracts of title.* Abstracts of title held by the Government which cover only the land involved in a particular sale should be sold with the farm by adequate provision in the sales agreement. When the sale is on credit terms or a loan is made in connection with the sale, the abstract will be retained by the Government until the security instruments securing the credit sale or loan are fully satisfied.

(3) *Sales expense.* No expenses incident to the sale, such as revenue stamps, recording of mortgage, intangible taxes, or title insurance when required, will be borne by the Government.

(4) *Title clearance.* Title clearance for farms suitable for title I purposes will be effected in accordance with the applicable provisions of §§ 327.1 to 327.8.

(5) *Proration of rent.* Ordinarily lease benefits will be sold with the property. However, when an acquired farm, or part thereof, is under lease which is not sold with the land and the Government's interest canceled at the time of sale, the rent has not become due before the sale is closed, and the lease does not contain provisions governing the proration of rent in the event of sale of the farm, the State Director will arrange for any prorated distribution of rent between the Government and the purchaser which is found by the State Director to be equitable and not detrimental to the financial interest of the Government. (Secs. 1 (a), 43 (d), 44 (b), 50, 9, 60 Stat. 1072, 1068, 1069, 1070, 1080; 7 U. S. C. 1001 (a), 1017 (d), 1018 (b), 1024, 1031)

§ 372.84 *County Office management and sales routine*—(a) *Caretaker's agreement on acquired farms.* If the State Director authorizes the use of a caretaker's agreement on an acquired farm, he will advise the County Supervisor of the terms and conditions under which the caretaker arrangement should be made. The caretaker will be required to sign a written agreement on Form FHA–529. The caretaker will sign the original and two copies. At the expiration of the caretaker agreement or at any time payment becomes due after the conditions of the agreement have been fulfilled, the County Supervisor will process Standard Form 1034, "Public Voucher for Purchases and Services Other than Personal," for the amount due the caretaker.

(b) *Processing payments of taxes and payments in lieu of taxes.* At the time taxes become due and payable, the County Supervisor will obtain from the local tax collecting official a statement showing the amount of taxes that are due on each acquired farm under his jurisdiction on which tax payments are to be made, or the amount of taxes that would be due had taxes been assessed on the farm on which payments in lieu of taxes are to be made. The County Supervisor will then prepare a Standard Form 1034 covering each such farm, in favor of the appropriate taxing authority. The County Supervisor will clearly show on the voucher whether the payment being made represents a payment of taxes or a payment in lieu of taxes, and whether such payment is being made on property which is being utilized to carry out the purposes of title I as prescribed in section 50 (a) or on property which is not being utilized to carry out the purposes of title I as prescribed in section 50 (b) of the Bankhead-Jones Farm Tenant Act, as amended. This may be shown by typing a statement on the voucher similar to one of the following:

Payment of taxes pursuant to section 50 (a) of the Bankhead-Jones Farm Tenant Act, as amended, for the taxable year ending ----------, on Government-owned real estate, acquired under Advice No. ------, dated ----------,

Payment in lieu of taxes without written agreement, pursuant to section 50 (b) of the Bankhead-Jones Farm Tenant Act, as amended, for the taxable year ending ----------, on Government-owned real estate, acquired under Advice No. ------, dated ----------.

The assessed valuation and the total tax rate, as well as the total amount to be paid, will be indicated on the voucher. Where parts of an acquired farm are assessed at different rates, separate valuations and computations will be shown for the amount to be paid under each rate, as well as the total amount to be paid. The signature of the payee (tax collecting official) will be obtained on Standard Form 1034 and the County Supervisor will, thereafter, transmit it to the State Office, together with a tax statement in the case of tax payments, or a statement showing the amount of taxes that would be due had taxes been assessed on the farm on which a payment in lieu of taxes is being made. If the amount of taxes or payments in lieu of taxes indicates an appreciably increased rate or assessed valuation over former years, the County Supervisor will furnish full details, with respect to such increase, to the State Director. If after a payment of taxes or payment in lieu of taxes has been made and it develops that such payment was excessive, the County Supervisor will furnish the State Director with pertinent facts with respect to such overpayment. When the State Director determines there has been an unjustifiable increase in rates or assessments, or the taxing body has been overpaid, he will, with the advice of the representative of the Office of the Solicitor, take such action as may be appropriate. When the State Director approves of the payment as reflected on Standard Form 1034, he will indicate such approval by signing the voucher, and will forward it to the Area Finance Office for processing.

(c) *Sale of acquired farms within Farm Ownership Program.* An applicant will be selected in accordance with §§ 316.1 to 316.6, 316.21 to 316.24 and 316.41 to 316.44 of this chapter, with preference accorded to veterans. An application to purchase will be processed in the same manner as an application for an initial or subsequent direct Farm Ownership loan as prescribed in §§ 331.1 to 331.11 and 333.1 to 333.11 of this chapter except that the sales docket will be sent by the County Supervisor direct to the State Director and the following modifications will be made in the form and procedural requirements:

(1) *Sale on credit when no loan is required.* (i) The following statement will be inserted on the original and all copies of Form FHA–668, "Loan Agreement and Request for Funds," in any space above the signatures of the applicant and his wife, before the form is signed by them:

We hereby certify that we are unable to obtain credit sufficient in amount to finance our actual needs at rates (but not exceeding the rate of 5 percent per annum) and terms prevailing in or near the community in which we reside.

(ii) One of the following statements will be added to the bottom of the re-

verse side of the original and all copies of Form FHA–668:

The total indebtedness of $_____ to be incurred by the applicant under this agreement represents the purchase price of land owned by the Government, under Advice No. _____ dated _____ and sold to the applicant.

The total indebtedness of $_____ to be incurred by the applicant under this agreement, plus $_____ down payment, represents the purchase price of land owned by the Government, under Advice No. _____ dated _____ and sold to the applicant.

(iii) The following statement will be inserted in Item 9 (A) of Form FHA–491, "County Committee Certification," following the words "to enable him to":

acquire or enlarge the farm, it being understood that the amount of the loan represents the purchase price (or a part of the purchase price) of said land which is herewith recommended for sale by the Government to the applicant in a manner consistent with the provisions of Title I.

(iv) The note and, where legally permissible, the deed and mortgage (deed of trust) will be dated as of the date of approval of Form FHA–668 by the State Director.

(2) *Sale on credit when a loan is required.* When a credit sale and a loan are to be made at the same time, Form FHA–190, "Promissory Note," will evidence the total amount of the debt (purchase price of unit plus amount of cash loan). Where legally permissible, the deed, note, and mortgage (deed of trust) will be dated the date of the loan check.

(i) The following statement will be inserted on the original and all copies of Form FHA–668 in any space above the signatures of the applicant and his wife, before the form is signed by them:

We hereby certify that we are unable to obtain credit sufficient in amount to finance our actual needs at rates (but not exceeding the rate of 5 percent per annum) and terms prevailing in or near the community in which we reside.

(ii) The following statement will be added to the bottom of the reverse side of the original and all copies of Form FHA–668:

The total indebtedness of $_____ to be incurred by the applicant under this agreement represents the purchase price of $_____ of land owned by the Government under Advice No. _____, dated _____, and to be sold to the applicant, plus the sum of $_____ in cash to be loaned to the applicant by the United States.

(iii) The following statement will be added in Item 9 (A) of Form FHA–491 after the appropriate statutory purposes of the loan have been inserted:

* * * it being understood that _____ dollars of such "Title I loan" represents the purchase price of said farm, which is herewith recommended for sale by the Government to the applicant in a manner consistent with the provisions of said Title I.

(Secs. 1 (b) (2), 2 (d), 44 (a) (3), 50, 60 Stat. 1073, 1074, 1068, 1070; 7 U. S. C. 1001 (b) (2), 1002 (d), 1018 (a) (3), 1024)

§ 372.85 *State Office approval and processing of sales docket covering farms sold within the program.* The State Director, upon receipt of the sales docket, will review the docket, and if found to be satisfactory will execute the required documents.

(a) *Sale on credit when no loan is required.* When the sale is on credit and no loan is required as provided in § 372.83, the State Director will transmit the required forms to the representative of the Office of the Solicitor with a request that the necessary legal instruments and closing instructions be prepared.

(b) *Sale on credit when a loan is required.* When the sale is on credit and a loan is required in connection therewith, as provided in § 372.83, the State Director will transmit a copy of Form FHA–668 and a copy of Form FHA–643, "Farm Development Plan," when one is required in connection with the subsequent loan, to the Area Finance Office with a request that funds be obligated in the amount of the subsequent loan. In case Form FHA–643 is not required in connection with the subsequent loan, the State Director will advise the Area Finance Office of the purpose for which the funds are to be used. The State Director will transmit the required forms to the representative of the Office of the Solicitor with a request that the necessary legal instruments and closing instructions be prepared.

(c) *Closing sales of acquired farms.* Each sale of an acquired farm will be closed in accordance with closing instructions issued by the representative of the Office of the Solicitor. The County Supervisor will inform the appropriate tax assessing official to assess future taxes against the farm in the name of the purchaser.

(d) *Outstanding leases*—(1) *Cancellation.* When an outstanding lease on an acquired farm is to be cancelled pursuant to the terms of the sale, Form FHA–244, "Cancellation of Lease," will be used for this purpose.

(2) *Sale subject to lease*—(i) *Notification to General Accounting Office.* When it is necessary or desirable, the State Director may sell an acquired farm subject to an outstanding agricultural or mineral lease. If the Government's interest in the lease is sold, and if the lease has been assigned a contract number and filed with the General Accounting Office, the State Director will so advise the Area Finance Office and the General Accounting Office by memorandum, making reference to the contract number assigned to the lease, and giving the date of the sale.

(ii) *Notification to lessee.* When an acquired farm is sold subject to an outstanding agricultural or mineral lease, the State Director will address a letter to the lessee(s) informing him of the conveyance by the Government of its interest under the lease(s) and furnishing him with the name and address of the purchaser of the farm.

(iii) *Notification to National Office.* Whenever an acquired farm is sold subject to an outstanding mineral lease, the State Director will notify the National Office when such farm is sold, and furnish the name of the purchaser, the date of sale, the date of the lease, and the contract number which had been assigned to the lease. (Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

Dated: August 30, 1949.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: September 14, 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–7503; Filed, Sept. 16, 1949; 8:46 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Soybean Bulletin I, Amdt. 1]

PART 643—OILSEEDS

SUBPART—1949 SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

1. Section 643.164, *Basic loan and purchase rate*, of the regulations issued by the Commodity Credit Corporation with respect to the 1949 Soybean Loan and Purchase Agreement Program (14 F. R. 3973), is hereby amended by changing paragraph (a) to read as follows:

§ 643.164 *Basic loan and purchase rate*—(a) *Basic loan and purchase rate and specifications.* (1) The basic loan and purchase rate for eligble yellow and green soybeans, containing 14 percent moisture, and grading No. 2 or better in accordance with the Official Grain Standards of the United States for Soybeans (effective September 1, 1949), stored in eligible storage or delivered under a purchase agreement, shall be $2.11 per net bushel.

(2) The basic loan and purchase rate for eligible brown, black and mixed soybeans, containing 14 percent moisture, and grading No. 2 or better in accordance with the Official Grain Standards of the United States for Soybeans (effective September 1, 1949), stored in eligible storage or delivered under a purchase agreement, shall be $1.91 per net bushel.

(3) The following definitions for the various classes of soybeans, as contained in the Official Grain Standards of the United States for Soybeans, shall be governing for purposes of determining the basic loan and purchase rate:

(i) *Yellow soybeans.* Yellow soybeans shall be any soybeans with yellow or green seed coats, which in cross section are yellow or have a yellow tinge, and may include not more than 10.0 percent of soybeans of other classes.

(ii) *Green soybeans.* Green soybeans shall be any soybeans with green seed coats which in cross section are green, and may include not more than 10.0 percent of soybeans of other classes.

(iii) *Brown soybeans.* Brown soybeans shall be any soybeans with brown seed coats, and may include not more than 10.0 percent of soybeans of other classes.

(iv) *Black soybeans.* Black soybeans shall be any soybeans with black seed coats, and may include not more than 10.0 percent of soybeans of other classes.

(v) *Mixed soybeans.* Mixed soybeans shall be any mixture of soybeans which does not meet the requirements for the classes yellow soybeans, green soybeans, brown soybeans, or black soybeans. Bicolored soybeans shall be classified as mixed soybeans.

2. Section 643.165 of the above regulations is amended to read as follows:

§ 643.165 *PMA Commodity Offices.* The PMA Commodity Offices and the area served by each are shown below:

Addresses and Areas

Atlanta 3, Ga., 449 West Peachtree Street NE.; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Chicago 5, Ill., 623 South Wabash Avenue; Illinois, Iowa, Indiana, Michigan, and Ohio.

Dallas 2, Tex., 1114 Commerce Street; Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue; Colorado, Kansas, Missouri, Nebraska, and Wyoming.

Minneapolis 1, Minn., 328 McKnight Building; Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

New York 4, N. Y., 67 Broad Street; Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

Portland 5, Oreg., Eastern Building, 515 SW. Tenth Avenue; Idaho, Oregon, and Washington.

San Francisco 2, Calif., 30 Van Ness Avenue; Arizona, California, Nevada, and Utah.

(Secs. 4 (d) and 5 (a), Pub. Law 806, 80th Cong., secs. 1 (b) and 202 (a), Pub. Law 897, 80th Cong.)

Issued this 14th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7533; Filed, Sept. 16, 1949; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

REVISED LIST OF RHODODENDRONS ENTERABLE INTO U. S. ONLY UNDER POSTENTRY QUARANTINE

On July 14, 1949, notice of a proposed amendment of 7 CFR 319.37-19 (c) relating to the postentry quarantine of plants imported into the United States was published in the FEDERAL REGISTER (14 F. R. 3889). After consideration of all relevant matter presented by interested persons regarding the proposal, the Secretary of Agriculture, pursuant to section 1 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. Sup. I 154), hereby amends § 319.37-19 (c) of the regulations supplemental to the quarantine relating to nursery stock, plants, and seeds for importation into the United States (Regulation 19 (c), Notice of Quarantine No. 37; 7 CFR 319.37-19 (c)) by revising the list of rhododendrons that may enter this country from Europe, Japan, and Siberia, only under postentry quarantine, to read as follows:

Rhododendron brachycarpum D. Don.
Rhododendron calostrotum I. B. Balf. & F. K. Ward.
Rhododendron cantabile I. B. Balf.
Rhododendron dauricum L.
Rhododendron fastigiatum Franch.
Rhododendron ferrugineum L.
Rhododendron hippophaeoides I. B. Balf. & W. W. Smith.
Rhododendron hirsutum L.
Rhododendron indicum Sweet.
Rhododendron intermedium Tausch.
Rhododendron kaempferi Planch.
Rhododendron keleticum I. B. Balf. & Forrest.
Rhododendron kotschyi Simonk.
Rhododendron kiusianum Makino.
Rhododendron micranthum Turcz.
Rhododendron myrtifolium Lodd.
Rhododendron oldhami Maxim.
Rhododendron parvifolium Adams.
Rhododendron ponticum L. var. baeticum Boiss. & Reut.
Rhododendron pruniflorum Hutchinson & F. K. Ward.
Rhododendron racemosum Franch.
Rhododendron roylei Hook. f.
Rhododendron suave Hort.

The purpose of this amendment is to add 12 rhododendron species and a rhododendron botanical variety to those now subject to post-entry quarantine. Observations in Europe and published references in foreign scientific literature show these to be susceptible to the rust disease Chrysomyxa rhododendri (DC.) De Bary.

(Sec. 1, 37 Stat. 315, as amended; 7 U. S. C. Sup. I 154)

This amendment shall be effective on and after October 18, 1949.

Done at Washington, D. C., this 14th day of September 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-7506; Filed, Sept. 16, 1949; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 965.1 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended and as hereby further amended, will seriously threaten the supply of milk for the Cincinnati, Ohio, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication.

(Sec. 4 (c), Administrative Procedure Act, Public Law 404, 79th Cong. 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing

area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to signs said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during February 1949 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Substitute a colon for the period at the end of § 965.2 (e) and add the following proviso: "*Provided,* That any producer whose milk has been approved as 'Grade A milk' by an appropriate health authority for any month, or portion thereof, shall be a 'Grade A producer' for such month, and any producer whose milk has not been so approved shall be a 'Grade B producer.' "

2. Delete the proviso in § 965.6 (a) (1) and substitute therefor the following: "*Provided,* That through January 1950 there shall be added to the price of Class I milk so computed 15 cents per hundredweight: *And provided further,* That for the delivery periods of February and March 1950 there shall be added to the price of Class I milk so computed 15 cents per hundredweight if the total receipts of milk from Grade A producers by all handlers during the period October 1 through December 31, 1949, inclusive, are less than 130% of the gross volume of Class I milk of all handlers during such period."

3. Delete the proviso in § 965.6 (a) (2) and substitute therefor the following: "*Provided,* That through January 1950 there shall be added to the price of Class II milk so computed 15 cents per hundredweight: *And provided further,* That for the delivery periods of February and March 1950 there shall be added to the price of Class II milk so computed 15 cents per hundredweight if the total receipts of milk from Grade A producers by all handlers during the period October 1 through December 31, 1949, inclusive, are less than 130% of the gross volume of Class I milk of all handlers during such period."

4. Delete § 965.7 and substitute therefor the following:

§ 965.7 *Computation and announcement of uniform prices for Grade A producers and Grade B producers* — (a) *Computation of uniform price for Grade A producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed in § 965.6 (c) for all handlers except those of handlers who failed to make the payments to the producer-settlement fund as required by § 965.8 (b) for the preceding delivery period;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter described under § 965.6 (a) (3) was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents;"

(3) Subtract an amount equivalent to the monies retained pursuant to § 965.12 (b);

(4) Add the balance in the producer-settlement fund not reserved for payment under § 965.12 (b);

(5) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(6) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the figure obtained in subparagraph (6) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for each delivery period for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) *Computation of uniform price for Grade B Producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such delivery period for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

(c) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform prices for milk and of the price for Class III milk, and shall make public announcement of the uniform price computations. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers pursuant to § 965.9 and the amounts actually paid to haulers for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.4 (a).

5. Delete § 965.9 (a) (1) and substitute therefor the following:

(1) Multiply the hundredweight of milk received from each Grade A producer by the uniform price for Grade A milk (§ 965.7 (a) (7)), or in the case of a Grade B producer, multiply the hundredweight of milk received by the uniform price for Grade B milk (§ 965.7 (b)): *Provided,* That if the milk of such producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent difference above or below 3.5 percent, 5 cents if the average price of butter described in § 965.6 (a) (3) was more than 40 cents, but not more than 50 cents, such amount (5 cents) to be increased or decreased, as the case may be, by one cent for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents."

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 951; 5 U. S. C. 133y–16)

Issued at Washington, D. C., this 14th day of September 1949, to be effective as of the 21st day of September 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–7560; Filed, Sept. 16, 1949; 10:43 a. m.]

[Orange Reg. 293]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.439 *Orange Regulation 293*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must

become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 18, 1949, and ending at 12:01 a. m., P. s. t., September 25, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 950 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of September 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 18, 1949, to 12:01 a. m. Sept. 25, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Lome	.1118
A. F. G. Corona	.0000
A. F. G. Fullerton	.9925
A. F. G. Orange	.4243
A. F. G. Riverside	.1087
A. F. G. San Juan Capistrano	.6446
A. F. G. Santa Paula	.5316
Hazeltine Packing Company	.4656
Placentia Pioneer Valencia Growers Association	.6941
Signal Fruit Association	.1037
Azusa Citrus Association	.6293
Damorel-Allison Co	.8685
Glendora Mutual Orange Association	.4194
Puente Mutual Orange Association	.0000
Valencia Heights Orchard Association	.6102
Covina Citrus Association	1.2722
Covina Orange Growers Association	.6984

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Glendora Citrus Association	0.3696
Glendora Heights Orange & Lemon Growers Association	.0158
Gold Buckle Association	.0000
La Verne Orange Association	.6695
Anaheim Citrus Fruit Association	1.4495
Anaheim Valencia Orange Association	1.3188
Eadington Fruit Co., Inc	3.3346
Fullerton Mutual Orange Association	1.9258
La Habra Citrus Association	.9176
Orange County Valencia Association	.3649
Orangethorpe Citrus Association	1.0479
Placentia Cooperative Orange Association	1.2017
Yorba Linda Citrus Association, The	.7310
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0690
Citrus Fruit Association	.2436
Cucamonga Citrus Association	.1053
Rialto Heights Orange Association	.0576
Upland Citrus Association	.5886
Upland Heights Orange Association	.1349
Consolidated Orange Growers	2.5398
Frances Citrus Association	1.1436
Garden Grove Citrus Association	2.0075
Goldenwest Citrus Association	1.3174
Irvine Valencia Growers	3.0506
Olive Heights Citrus Association	2.0526
Santa Ana-Tustin Mutual Citrus Association	.9708
Santiago Orange Growers Association	5.1297
Tustin Hills Citrus Association	1.8655
Villa Park Orchards Association, The	2.0660
Bradford Bros., Inc	.7364
Placentia Mutual Orange Association	2.1110
Placentia Orange Growers Association	2.4953
Yorba Orange Growers Association	.6920
Call Ranch	.0632
Corona Citrus Association	.6328
Jameson Co	.0532
Orange Heights Orange Association	.5433
Crafton Orange Growers Association	.0000
East Highland Citrus Association	.0000
Fontana Citrus Association	.1312
Highland Fruit Growers Association	.0277
Redlands Heights Groves	.2617
Redlands Orangedale Association	.2642
Break & Sons, Allen	.0000
Bryn Mawr Fruit Growers Association	.0000
Mission Citrus Association	.1751
Redlands Cooperative Fruit Association	.3179
Redlands Orange Growers Association	.2160
Redlands Select Groves	.2306
Rialto Citrus Association	.2541
Rialto Orange Co	.1735
Southern Citrus Association	.1653
United Citrus Growers	.1418
Zilen Citrus Co	.0676
Andrews Bros. of California	.0000
Arlington Heights Citrus Co	.1212
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1494
Highgrove Fruit Association	.0836
Krinard Packing Co	.2383
McDermont Fruit Co	.2024
Monte Vista Citrus Association	.2145
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0554
Sierra Vista Packing Association	.0448

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Victoria Avenue Citrus Association	0.1791
Claremont Citrus Association	.1631
College Heights Orange & Lemon Association	.4184
Indian Hill Citrus Association	.2085
Pomona Fruit Growers Exchange	.3754
Walnut Fruit Growers Association	.5234
West Ontario Citrus Association	.3668
El Cajon Valley Citrus Association	.0000
San Dimas Orange Growers Association	.4205
Canoga Citrus Association	.8294
Covina Valley Orange Co	.0771
North Whittier Heights Citrus Association	.8629
San Fernando Fruit Growers Association	.4899
San Fernando Height Orange Association	.9331
Sierra Madre-Lamanda Citrus Association	.3345
Camarillo Citrus Association	1.7305
Fillmore Citrus Association	3.9756
Mupu Citrus Association	2.1633
Ojai Orange Association	.9989
Piru Citrus Association	2.3808
Rancho Sespe	.8357
Santa Paula Orange Association	1.2028
Tapo Citrus Association	1.0495
Ventura County Citrus Association	.2590
Limoneira Co	.6067
East Whittier Citrus Association	.3711
El Ranchito Citrus Association	.5764
Whittier Citrus Association	.4807
Whittier Select Citrus Association	.3293
Anaheim Cooperative Orange Association	1.4664
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.3463
Euclid Avenue Orange Association	.6000
Foothill Citrus Union, Inc	.0365
Fullerton Cooperative Orange Association	.3329
Garden Grove Orange Cooperative, Inc	.9273
Golden Orange Groves, Inc	.2548
Highland Mutual Groves, Inc	.0263
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.1992
Mentone Heights Association	.0000
Olive Hillside Groves, Inc	.5062
Orange Cooperative Citrus Association	1.3229
Redlands Foothill Groves	.5087
Redlands Mutual Orange Association	.1650
Riverside Citrus Association	.0399
Ventura County Orange & Lemon Association	1.0452
Whittier Mutual Orange & Lemon Association	.0864
Associated Growers Cooperative	.1807
Babijuice Corp. of California	.4963
Banks, L. M	.5361
Borden Fruit Co	1.0015
California Associated Growers	.5164
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc	.1593
Chess Company, Meyer W	.2503
Evans Brothers Packing Co	.3098
Furr Co., N. C	.0397
Gold Banner Association	.2225
Granada Hills Packing Co	.0417
Granada Packing House	1.8638
Hill Packing House, Fred A	.0987
Knapp Packing Co., John C	.1935
Orange Belt Fruit Distributors	1.8697
Panno Fruit Co., Carlo	.1562
Paramount Citrus Association	.3914

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Placentia Orchard Co.	0.3965
San Antonio Orchard Co.	.3259
Snyder & Sons Co., W. A.	.9360
Stephens, T. F.	.1780
Wall, E. T.	.1149
Western Fruit Growers, Inc.	.4771

[F. R. Doc. 49-7579; Filed, Sept. 16, 1949; 11:42 a. m.]

Chapter X—Administrator, Research and Marketing Act, Department of Agriculture

PART 1001—CONTRACT WORK

DELEGATION OF AUTHORITY

CROSS REFERENCE: For a change in references to "Administrator, Research and Marketing Act" to "Agricultural Research Administrator," wherever appearing in Part 1001, see Department of Agriculture, Office of the Secretary, in the Notices section.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

SHEEP

On August 9, 1949, a notice of rule making was published in the FEDERAL REGISTER (14 F. R. 4906) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred sheep entitled "Flock Book for British Breeds of Sheep in Australia."

After due consideration of all relevant material presented in connection with the notice, including the proposals set forth therein, the Secretary of Agriculture, pursuant to the authority vested in him by paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. sec. 1201, par. 1606) hereby recognizes the said book of record, and hereby amends § 151.10, Chapter I, Title 9, Code of Federal Regulations, as amended (14 F. R. 160), by adding to the subdivision of paragraph (a) of said section relating to sheep, the following book of record:

SHEEP

Name of breed	Book of record	By whom published
Various recognized breeds.	Flock Book for British Breeds of Sheep in Australia.	The Australian Society of Breeders of British Sheep, Louis Monod, Secretary, Temple Court, 422 Collins St., Melbourne C. 1, Australia.

(Sec. 201, par. 1606, 46 Stat. 590, 673, as amended, Pub. Law 475, 80th Cong., 62 Stat. 161; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 18th day of October 1949.

Done at Washington, D. C., this 14th day of September 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 49-7507; Filed, Sept. 16, 1949; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. SR-336]

PART 50—AIRMAN AGENCY CERTIFICATES

PRIMARY FLYING SCHOOL FLIGHT CURRICULUM

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of September 1949.

Section 50.13 (a) of the current Civil Air Regulations requires that a primary flying school giving instruction in spinnable airplanes shall provide at least 35 hours of flying in accordance with a curriculum by the Administrator. Such curriculum, as set forth in Civil Aeronautics Manual 50, requires that each student receiving instruction in spinnable airplanes shall be given a minimum of at least 15 hours of dual instruction of which 8 hours shall be given prior to the student's first solo flight, and at least 13 hours of solo flight time.

This Special Civil Air Regulation provides for the issuance of an air agency certificate with a primary flying school rating to an applicant who will, in lieu of the aforementioned current requirements of the Civil Air Regulations, provide at least 55 hours of flight training of which not less than 10 hours shall be solo flight time, not less than 15 hours dual instruction time, and not less than 30 hours flight instruction time with the student acting in the capacity of an observer. A student undergoing such instruction will obtain only a total of 25 hours while actually manipulating the controls of an airplane. Thus, this amendment substitutes 30 hours of controlled observer time for 10 hours of pilot time.

The substitution of observer time for pilot time should provide the student with knowledge and experience which will enable him to pilot airplanes more safely. Moreover, since most airplane users are primarily interested in flying as a means of transportation, a program for instructing pilots in the use of airplanes most commonly used for transportation, such as 4-place airplanes, and at the same time giving them additional navigational training, should provide students with training which more closely approximates conditions which they expect to encounter after receiving pilot certificates with a private rating, thus enabling them to pilot such airplanes more safely.

However, we believe that before we make such a curriculum a mandatory requirement for all flight schools it would be desirable to study the actual result of such training during a trial period by such flight schools as might be interested in adopting the program. Therefore, we are authorizing the establishment of such a curriculum for a period of one year in schools desiring to institute such a course of training, which are approved by the Administrator as being competent therefor. During such trial period it is contemplated that the Administrator will closely monitor such training, will evaluate the results thereof, and will report his findings to the Board. It is assumed that the Administrator, in evaluating the benefits of this type of program, will consider further the extent to which the controlled observer experience should be substituted for solo flight time. It will be noted that this suggested curriculum may be utilized by an appropriately rated flying school using nonspinnable airplanes without the authorization granted herein.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter submitted.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective October 18, 1949, to read as follows:

1. In lieu of the primary flying school curriculum requirements of § 50.13 (a) of the Civil Air Regulations, the Administrator may issue an airman agency certificate with a primary flying school rating to an applicant who will, as a minimum, provide the following flight training:

(a) 10 hours of solo flight time.

(b) 15 hours of dual instruction time as pilot, and

(c) 30 hours of flight instruction as an observer.

2. The curriculum shall be approved by the Administrator.

3. The solo flight time may be acquired in any type of airplane, except that the student shall solo every type of airplane in which he receives flight instruction as an observer under 1. (c), above.

4. The required dual instruction time and flight time as an observer shall be acquired and credited in the following manner: Each student shall ride at least a total of 45 hours in a 4-place or larger airplane accompanied by a flight instructor, and at least one other student. During such time each student shall pilot the airplane at least 15 hours, act in the capacity of an observer for at least 30 hours, and receive instruction in dead reckoning navigation, traffic control practices and procedures at various airports, and in the interpretation of weather conditions observed in flight. The flight time so acquired shall be appropriately credited as either "dual instruction—pilot" or "dual instruction—observer."

5. This regulation shall terminate October 18, 1950, unless sooner rescinded.

(Secs. 205 (a), 601, 602, 607, 52 Stat. 984, 1007, 1008, 1011; 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 552, 557, act of July 1, 1948)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49-7514; Filed, Sept. 16, 1949; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION INCLUDING AMENDMENTS 1–148, EXCLUDING SCHEDULES A AND B

This republication of the Controlled Housing Rent Regulation (§§ 825.1–825.12) includes all amendments which became effective after July 1, 1947, and prior to August 8, 1949.

Sec.

AUTHORITY: §§ 825.1 to 825.12 issued under Housing and Rent Act of 1947, as amended; Pub. Laws 129, 422, 464, 80th Cong. and Pub. Law 31, 81st Cong.

§ 825.1 *Definitions and scope of §§ 825.1 to 825.12.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area rent office" means the office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in any defense-rental area which is not specifically exempted from control or decontrolled under §§ 825.1 to 825.12.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Maximum rent date" means the maximum rent date applicable in any particular defense-rental area as established under the authority of the Emergency Price Control Act of 1942, as amended, as set forth in Schedule A, except that in the case of recontrolled housing accommodations in hotels covered by § 825.4 (f) (2) the term "maximum rent date" shall mean March 1, 1949.

"Effective date of regulation" means the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for each defense-rental area, or portion thereof, as indicated in Schedule A except where the context indicates clearly to the contrary.

(a) *Housing and defense-rental areas to which §§ 825.1 to 825.12 apply.* Sections 825.1 to 825.12 (except the provisions contained in Schedule B) apply to all housing accommodations within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.1 to 825.12 as the "defense-rental area"), which are listed in Schedule A except as provided in paragraph (b) of this section.

In Schedule A, the "maximum rent date" and the "effective date of regulation," as established under the rent regulation, issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

In Schedule B are set forth provisions which modify or supplement §§ 825.1 to 825.12 insofar as they are applicable to certain individual defense-rental areas, or portions thereof.

(b) *Decontrolled and exempted housing to which §§825.1 to 825.12 do not apply*—(1) *Exempted housing.* Sections 825.1 to 825.12 do not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the provisions of Subpart B.

(iv) *Structures subject to underlying leases.* (*a*) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (*c*) of this subdivision (iv).

(*b*) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the provisions of Subpart B.

(*c*) Sections 825.1 to 825.12 do apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to the provisions of Subpart B.

(v) *Rented to National Housing Agency.* Housing accommodations rent-

ed to the United States acting by the National Housing Agency: *Provided, however,* That §§ 825.1 to 825.12 do apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing—(a) Summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive, and shall not apply to housing accommodations in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(b) Winter resort housing. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(vii) *Housing accommodations subject to national rent schedule of Army, Navy, or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy or Air Force.

(viii) *Charitable or educational institutions.* Housing accommodations operated by educational or charitable institutions and used in carrying out their educational or charitable purposes.

(2) *Decontrolled housing to which §§ 825.1 to 825.12 do not apply.* Sections 825.1 to 825.12 do not apply to the following:

(i) *Accommodations in hotels. (a)* In cities of less than 2,500,000 population according to the 1940 decennial census, those housing accommodations in any hotel which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located). For purposes of this subdivision *(a)*, the term "hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

(b) In cities of 2,500,000 population or more according to the 1940 decennial census, *(1)* those housing accommodations which are located in hotels in which on March 1, 1949, 75 percent or more of the occupied housing accommodations were rented on a daily basis to tenants who had not continuously resided in the hotel from December 2, 1948 to March 1, 1949 (both dates inclusive), or *(2)* those accommodations in hotels not covered by *(1)* above, which were not rented as housing accommodations on March 1, 1949 on a permanent basis. For purposes of this subdivision *(b)*, the term:

"Hotel" means any establishment which on June 30, 1947 was commonly known as a hotel in the community in which it is located and in which at least an appreciable number of its occupants were provided with customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

"Occupied housing accommodations" means accommodations which were rented as housing accommodations.

"Rented on March 1, 1949 on a permanent basis" means rented on March 1, 1949 to a tenant on other than a daily basis or rented on that date on a daily basis to a tenant who had continuously resided in the hotel from December 2, 1948 to March 1, 1949 (both dates inclusive).

Reporting requirements. Every landlord of housing accommodations in hotels in cities of 2,500,000 population or more according to the 1940 decennial census shall, no later than May 31, 1949, file in the Area Rent Office a report of decontrol on the Expediter's Form D–95A.

Orders on report of decontrol. Upon the filing by a landlord of a report of decontrol on Form D–95A, the Expediter shall make a determination as to which housing accommodations in the establishment are decontrolled and which are controlled and shall enter an order reflecting this determination.

Registration and posting requirements. The following provisions apply to every landlord of controlled housing accommodations in hotels in cities of 2,500,000 population or more according to the 1940 decennial census.

(1) For each such accommodation which was under control on March 31, 1949, the landlord shall file a registration statement (Expediter's Form DD–HU) showing the maximum rent in effect on that date. If different maximum rents were in effect for different numbers of occupants or terms of occupancy, the landlord shall also file a supplemental registration statement (Expediter's Form DD–HU, Supp.) showing all maximum rents.

(2) For each such accommodation which was not under control on March 31, 1949 and was recontrolled on April 1, 1949, the landlord shall file a registration statement (Expediter's Form DD–HU) showing the rent charged on March 1, 1949. If on March 1, 1949, there were in effect established rates on the basis of which maximum rents are fixed by § 825.4 (f) (2) for different number of occupants or terms of occupancy, the landlord shall also file a supplemental registration statement (Expediter's Form DD–HU, Supp.) showing such established rates.

In all cases such statements shall be filed in the Area Rent Office no later than 30 days after the date of issuance of an order entered on a report of decontrol. All such statements shall be deemed to be registration statements within the meaning of § 825.7 and, except for the time prescribed for the filing thereof, shall be subject to the provisions of § 825.7.

(3) In every such controlled accommodation, the landlord shall, within the same period as he is required to file a registration statement, post and thereafter keep posted conspicuously a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which maximum rents are established. Where the taking of meals by the tenant or prospective tenant is a condition of renting such accommodations, the card or sign shall so state. Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

(ii) *Motor courts.* Housing accommodations in establishments which were motor courts on June 30, 1947.

(iii) *Trailer or trailer space.* Housing accommodations located in trailers and ground space rented for trailers, which on April 1, 1949, were used exclusively for transient occupancy, i. e., rented on a daily basis to tenants who had not continuously resided therein on and since March 1, 1949.

(iv) *Tourist homes.* Housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

(v) *Accommodations created by new construction or change from non-housing use. (a)* Housing accommodations the construction of which was completed, or which were created by a change from a non-housing to a housing use, on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect, if such accommodations are being rented to veterans of World War II or their immediate families, who, on June 30, 1947, either *(1)* occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral.

(b) Housing accommodations the construction of which was completed between February 1, 1945 and January 31, 1947, both dates inclusive, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented as housing accommodations (other than to members of the immediate family of the landlord).

For purposes of this subdivision (v):

The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the

installation of such items and the completion of such decoration work, as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(vi) *Additional housing accommodations created by conversion.* (*a*) Additional housing accommodations created on or after February 1, 1947, by a conversion (i. e., a structural change in a residential unit or units involving substantial alterations and remodeling) which was created on or before March 31, 1949, but subject to the proviso clause set forth in paragraph (b) (2) (v) (*a*).

(*b*) Housing accommodations as to which a decontrol order has been entered by the Housing Expediter based on a conversion created on or after April 1, 1949, but subject to the proviso clause set forth in paragraph (b) (2) (v) (*a*). On petition by the owner such a decontrol order shall be entered by the Housing Expediter, if the following facts are established:

(*1*) There has been a structural change in a residential unit or units involving substantial alterations or remodeling; and

(2) Such change has resulted in additional, self-contained family units. For purposes of this paragraph (b) (2) (vi):

The term "self-contained family unit" means a housing accommodation with private access, containing one or more rooms in addition to a kitchen (including kitchenette or pullman kitchen) and a private bathroom: *Provided, however,* That where a housing accommodation meets all these conditions except that it has no private bathroom or no bathroom facilities other than toilet, the Area Rent Director may waive such requirement if he finds that the accommodation is of the type recognized as a self-contained family unit in the neighborhood in which it is located.

(vii) *Non-housekeeping furnished accommodations.* Non-housekeeping furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(viii) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D–118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (viii).

For purposes of this subdivision (viii):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the area rent director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vi) of this section.

(c) *Effect of §§ 825.1 to 825.12 on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.1 to 825.12.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.1 to 825.12 is void. A tenant shall not be entitled by reason of §§ 825.1 to 825.12 to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.1 to 825.12.

§ 825.2 *Prohibition against higher than maximum rents*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of §§ 825.1 to 825.12 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by §§ 825.1 to 825.12; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings, or equipment required under § 825.3 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.1 to 825.12 may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation (or prior to October 20, 1942, where the effective date of regulation is prior to that date) and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of §§ 825.1 to 825.12, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the act or §§ 825.1 to 825.12 and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of §§ 825.1 to 825.12. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of §§ 825.1 to 825.12. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation (or on or after October 20, 1942, where the effective date of regulation is prior to that date), and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payment on or for the option to buy.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the

accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit of may order its elimination.

(4) *Maximum rent established under section 4 (e) or 4 (j) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (e) or 4 (j), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or 4 (h) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or 4 (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) *Deposits on certain leased furnished accommodations.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

(9) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.3 *Minimum space, services, furniture, furnishings, and equipment.* Every landlord shall, as a minimum, provide with housing accommodations the same living space and the same essential services, furniture, furnishings and equipment as were provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on the date determining the maximum rent, plus or minus any increases or decreases made pursuant to § 825.5 (a) (3) or § 825.5 (b) or the comparable provisions of the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

§ 825.4 *Maximum rents*—(a) *Maximum rents in effect on June 30, 1947.* Except as otherwise provided in this section, the maximum rent for any housing accommodations subject to §§ 825.1 to 825.12, shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, plus or minus adjustments under § 825.5.

(b) *Maximum rents in statutory lease cases.* (1) For housing accommodations concerning which a statutory lease is in effect the maximum rent, until such lease is terminated or expires, shall be the rent set forth in such lease.

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.5: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.5, or the maximum rent in the absence of a lease, whichever is higher.

Reporting requirements. A landlord shall file a report in the Area Rent Office, on a form provided by the Expediter, of any termination of a statutory lease prior to the expiration date of the lease, unless such report was filed prior to April 1, 1949. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1949, whichever is later.

For purposes of this paragraph (b), the term "statutory lease" means a lease as described in section 204 (b) (2) or 204 (b) (3) of the Housing and Rent Act of 1947, as amended, and § 825.1 (b) (2) (v), as they read prior to April 1, 1949.

(c) *First rent after June 30, 1947 (see also paragraph (e) of this section).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in § 825.7, except that in the case of controlled housing accommodations (other than accommodations in hotels to which paragraph (f) of this section applies) which were not included as controlled housing accommodations on March 31, 1949, such registration shall be made by the end of such 30 day period, or by May 15, 1949, whichever date is later. The Expediter may order a decrease in the maximum rent as provided in § 825.5 (c) (1) and (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter.) If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under § 825.5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under § 825.5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to rent schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the na-

tional rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under paragraph (c) of this section.

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in § 825.5 (c) (1) and (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 240 of this chapter). The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of § 825.7. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(f) *Controlled hotel accommodations in cities of 2,500,000 population or more.* (1) For housing accommodations in hotels (as defined in § 825.1 (b) (2) (i) (*b*)) in cities of 2,500,000 population or more according to the 1940 decennial census, which were controlled housing accommodations on March 31, 1949, the maximum rents shall be the maximum rents in effect for such accommodations on that date, plus or minus adjustments under § 825.5.

(2) For housing accommodations in such hotels which were not included as controlled housing accommodations on March 31, 1949, the maximum rent, subject to adjustment under § 825.5, shall be the rent in effect for such accommodations on March 1, 1949, determined as follows:

(i) For housing accommodations rented on March 1, 1949, for a particular term of occupancy without reference to the number of occupants, the rent charged on that date shall be the maximum rent for that term of occupancy for any number of occupants. If on that date the hotel had established rates for other terms of occupancy for the same accommodations, such rates shall be the maximum rents for such terms of occupancy.

(ii) For housing accommodations rented on March 1, 1949 for a particular term of occupancy at a rent based on a specific number of occupants, the rent charged on that date shall be the maximum rent for that term of occupancy for that number of occupants. If on that date the hotel had established rates for the same accommodation for other terms of occupancy and/or other numbers of occupants, such rates shall be the maximum rents for such terms of occupancy and numbers of occupants.

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph, the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

§ 825.5 *Adjustments and other determinations; general considerations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended, as well as any previous changes in the maximum rent.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor. Upon approval or disapproval of any board recommendation, the board shall promptly be notified of such approval or disapproval.

Standards for adustments. In addition to the adjustment standards which are included in certain subparagraphs setting forth grounds for adjustment, the standards for adjustments under this section are set forth below. In applying these standards, the Expediter shall, wherever appropriate, give due consideration to general increases in the defense-rental area since the maximum rent date in all costs of operating and maintaining the housing accommodations, in the cost of providing services, furniture, furnishings and equipment and in the cost of construction or making major capital improvements, except insofar as the landlord has been previously compensated for such cost increases.

(1) *Difference in rental value.* In those cases involving a major capital improvement, an increase or decrease in living space, services, furniture, furnishings or equipment, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been, on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change: *And provided further,* That in cases involving an increase or decrease in living space or a change from unfurnished to fully furnished, the adjusted maximum rent shall be not less than the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(2) *Rent generally prevailing.* In cases under paragraphs (a) (6), (a) (10), (c) (1), (c) (4), and (c) (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent.

(3) *Seasonal rent cases.* In cases under paragraphs (a) (7), (a) (14) and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

(4) *Rent increase approved by Government Agency.* In cases under paragraph (a) (15) of this section, the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

(5) *Correction of error.* In cases under paragraph (i) of this section, the adjustment shall be in the amount necessary to correct the error.

Landlord's certification as to services, etc. Any landlord who files a petition for adjustment under paragraph (a) of this section shall certify that he is maintaining all services, furniture, furnishings and equipment required by this regulation and that he will continue to maintain such services, furniture, furnishings and equipment so long as the adjustment in such maximum rent which may be granted continues in effect.

Effective date of rent increases. In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been, on or after the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a

major capital improvement, as distinguished from ordinary repair, replacement and maintenance. For purposes of this paragraph (a) (1), the term "major capital improvement" includes any major installation, replacement, addition, betterment or rehabilitation.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent, or a substantial increase in the living space since June 30, 1947 but before April 1, 1948. No adjustment under this paragraph (a) (3) shall be ordered on the basis of any such change unless it occurred with the consent of the tenant or while the housing accommodations were vacant: *Provided, however,* That the tenants' consent shall not be required if the Expediter finds that such change (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the housing accommodations are a part, or (ii) is necessary for the preservation or maintenance of the housing accommodations, or (iii) is consistent with local property management practices and customs.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) [Revoked.]

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodation is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in cost of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Inequitable rents.* The landlord is suffering an inequity in that (i) the maximum rent for the housing accommodations (other than company housing accommodations, i. e., housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or (ii) the landlord has not been compensated for a substantial increase in the costs of operating and maintaining the housing accommodations since the maximum rent date. The adjustment under this paragraph (a) (11) shall be in an amount sufficient to relieve the inequity.

(12) [Revoked as of April 1, 1949, by the following provision: "Paragraphs (a) (12), (a) (16), (a) (17) and (c) (8) of § 825.5, and the ninth, tenth, and thirteenth unnumbered paragraphs of § 825.5 (relating to the amount of adjustments under said paragraphs (a) (12), (a) (16), and (c) (8)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949, under any of said paragraphs: *And provided further,* That if a petition for adjustment under any of said paragraphs (a) (12), (a) (16) or (a) (17) was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under any of said paragraphs as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.5 (a) (18) (v)."]

(13) *Company housing accommodations.* The housing accommodations are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means housing accommodations which are regularly rented to employees of the landlord.

(14) *Changes from year round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) *Approval of higher rents for priority constructed housing.* The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(16) [Revoked as of April 1, 1949, by the provision set forth in subparagraph (12) of this paragraph.]

(17) [Revoked as of April 1, 1949, by the provision set forth in subparagraph (12) of this paragraph.]

(18) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (18) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (18) must be filed on Form D–106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (18) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (18) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purposes of this paragraph (a) (18), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (12), (a) (16), or (a) (17) of this section.* (*a*) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (18) the case shall be processed under said paragraph (a) (18) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (12), (a) (16), or (a) (17).

(*b*) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (18) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (18) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(vi) *Housing accommodations in building owned by cooperative corporation or association.* In the case of housing accommodations located in a building which is owned by a cooperative corporation or association, the annual income and annual operating expenses to be used for purposes of this paragraph (a) (18) shall be those for all the dwelling units in such building which are rented or offered for rent by a landlord (either the cooperative corporation or association or a person holding stock or other evidence of interest in such corporation or association), and the test year shall be the latest complete fiscal year of such corporation or association.

The annual income for the dwelling units involved shall include (*a*) the maximum rents for those units, computed on an annual basis, and (*b*) a proportionate share of all other income, other than rental income from dwelling units, earned from the operation of the building during the test year.

The annual operating expenses for the dwelling units involved shall include (*a*) a proportionate share of the annual operating expenses incurred by the cooperative corporation or association with respect to the building: *Provided, however,* That the amount of depreciation may not exceed 16 percent of the annual income for the dwelling units involved where they are located in a building containing five or more dwelling units and not more than 21 percent of such annual income in the case of a building containing less than five dwelling units, and (*b*) all additional annual operating expenses incurred by the landlord which apply exclusively to the dwelling units involved (excluding, however, payments made to the cooperative corporation or association by a holder of stock or other evidence of interest therein, in his capacity as such).

The term "proportionate share," as used in this subdivision (vi), means a share based on the proportion which the number of shares of stock or other evidence of interest allocated to the dwelling units involved bears to the total number of shares of stock or other evidence of interest allocated to all the dwelling units in the building.

Except insofar as they are inconsistent with the foregoing provisions of this subdivision (vi), all the other provisions of this paragraph (a) (18) shall apply to cases covered by this subdivision (vi).

(19) *Ineffective statutory lease.* The landlord and tenant entered into a written lease for the housing accommodations which they in good faith intended to be a statutory lease as described in section 204 (b) (2) or 204 (b) (3) of the Housing and Rent Act of 1947, as amended, as it read prior to April 1, 1949, and the Rent Regulations issued thereunder, and the lease was ineffective to increase the maximum rent because of failure to meet all the requirements of said act and regulations: *Provided, however,* That the deficiency was of a minor or procedural nature or has been cured by actual performance, and that the maximum rent had not been increased by a subsequent statutory lease.

In cases under this paragraph (a) (19), the adjustment shall be in the amount necessary to increase the maximum rent to the amount set forth in such lease, but not above the maximum amount authorized by the act and the regulations at the time of execution of the lease: *Provided, however,* That in making such adjustment the Expediter shall take into consideration all adjustments made since the execution of said lease.

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.*

(1) *Requirements for Petition and Order, or Report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under § 825.3, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases on or after April 1, 1948.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be

decreased in accordance with the provisions of paragraph (c) (3) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(3) *Adjustment in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased, the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for the housing accommodations was established under paragraph (c), (d), (e), (g) or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under § 825.4 (c) or (e), and said maximum rent is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, taking into consideration all relevant factors including any adjustments under § 825.5 (a) which may be applicable.

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decreases in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.3 since the date or order determining the maximum rent or a substantial decrease in the living space since June 30, 1947 but before April 1, 1948.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) [Revoked as of April 1, 1949 by the provision set forth in paragraph (a) (12) of this section.]

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947 or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Expediter for leave to exercise any right he would have except for §§ 825.1 to 825.12 to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or §§ 825.1 to 825.12. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in con-

nection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) *Public housing.* Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.6 *Removal of tenant*—(a) *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for surrender of possession, or for entry of judgment upon the tenant's confession for breach of the covenants thereof, or which otherwise provides contrary hereto, except on one or more of the grounds specified in this paragraph (a), or unless the landlord has obtained a certificate in accordance with paragraph (c) of this section: *Provided, however,* That no provisions of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under local law.

(1) *Violating substantial obligation of tenancy.* The tenant is violating a substantial obligation of his tenancy, other than an obligation to pay rent or an obligation to surrender possession of the housing accommodations, and has continued or failed to cure such violation after a written notice by the landlord that the violation cease.

(2) *Nuisance or illegal or immoral use.* Under the local law, the tenant (i) is committing or permitting a nuisance in the housing accommodations and such nuisance continues after written notice to the tenant that the same shall cease or (ii) is using or permitting a use of such housing accommodations for an immoral or illegal purpose.

(3) *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement.

(4) *Accommodations entirely sublet.* The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his dwelling.

(5) *Landlord is a state or political subdivision thereof.* The housing accommodations have been acquired by a state or political subdivision thereof for the purpose of making a public improvement and are rented temporarily pending the construction of such improvement.

(6) *Company housing.* The housing accommodations are part of a company housing development in which occupancy has customarily been limited to employees of the landlord, and the tenant is no longer his employee.

(b) *Notice required.* (1) No tenant shall be removed or evicted from housing accommodations by court process or otherwise and no action or proceeding shall be commenced for such purpose upon any of the grounds permitted in paragraph (a) of this section unless and until the landlord shall have given written notice to the Area Rent Office and to the tenant as provided in this paragraph (b) (1).

Every such notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant, the facts necessary to establish the existence of such ground, and the date when the tenant is required to surrender possession. Where the ground for removal or eviction of a tenant is nonpayment of rent such notice shall include a statement of the rent due and the rental period or periods for which such rent is due. A written copy of every notice required by this paragraph (b) (1) shall be filed with the Area Rent Office within 24 hours after such notice is given to the tenant.

Every such notice shall be given to the tenant at least the following period of time prior to the date specified therein for the surrender of possession and to the commencement of any action for removal or eviction:

(a) Where the ground specified in the notice for such removal or eviction is nonpayment of rent, not less than three days.

(b) Where the notice specifies one or more of the grounds stated in paragraphs (a) (1) and (a) (2) of this section for such removal or eviction, not less than ten days.

(c) Where the notice specifies the ground stated in paragraph (a) (3) of this section for such removal or eviction, not less than one month.

(d) Where the notice specifies one or more of the grounds stated in paragraphs (a) (4), (a) (5), and (a) (6) of this section for such removal or eviction, not less than two months.

If judgment for possession is sought by virtue of a confession of judgment or by virtue of a warrant of attorney authorizing confession of such judgment against the tenant, the date of commencement of the action as referred to in this section shall be deemed to be the date of the filing in court of the first papers in the proceedings for the entry of such judgment.

(2) At the time of commencing any action to remove or evict a tenant, on any ground stated in paragraph (a) of this section the landlord shall give written notice thereof to the Area Rent Office, stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under said paragraph on which removal or eviction is sought.

(c) *Eviction certificate; grounds for issuance.* No tenant shall be removed or evicted on grounds other than those stated in paragraph (a) of this section, unless on petition of the landlord the Housing Expediter certifies that the landlord may pursue his remedies in accordance with the requirements of local law. The certificate shall authorize the pursuit of local remedies at the expiration of the waiting period specified in paragraph (d) of this section. The Expediter shall so certify if he finds that removals or evictions of the character proposed are not inconsistent with the purposes of the act or this regulation and would not be likely to result in the circumvention or evasion thereof. The Expediter shall so find in the following cases:

(1) *Occupancy by owner.* Where the landlord, who is the owner of the housing accommodations, establishes that he seeks in good faith to recover possession thereof for his immediate and personal use and occupancy as housing accommodations, or for the immediate and personal use and occupancy as housing accommodations by a member or members of his immediate family (see definition of "immediate family" at the end of this subparagraph (1)): *Provided, however,* That:

(a) Where the housing accommodations are located in a structure or prem-

ises which contain more than two housing accommodations and the housing accommodations or structure or premises are owned by two or more persons not constituting a cooperative corporation or association (husband and wife as owners being considered one owner for this purpose), no certificate shall be issued under this paragraph (c) (1) for occupancy of more than one housing accommodation and then only if none of the co-owners is already in occupancy of any housing accommodation in such structure or premises;

(b) In the case of housing accommodations in a structure or premises owned by a cooperative corporation or association, no certificate shall be issued by the Expediter to a purchaser of stock or other evidence of interest in such cooperative, who is entitled by reason of such ownership of stock or other evidence of interest to possession of such housing accommodations by virtue of a proprietary lease or otherwise, unless stock or other evidence of interest in the cooperative has been purchased by persons who are tenants in occupancy of at least 65 percent of the housing accommodations in the structure or premises and are entitled by reason of such ownership to proprietary leases of housing accommodations in the structure or premises;

(c) Where the owner or owners purchased and thereby acquired title to the housing accommodations on or after April 1, 1949, no certificate shall be issued under this paragraph (c) (1) unless such owner or owners made a payment or payments of principal totaling at least 10 percent of the purchase price, but this requirement shall not apply where the purchaser is a veteran of World War II, who, by virtue of his status as such, obtained a loan for use in purchasing such housing accommodations which was guaranteed in whole or in part by the Administrator of Veterans Affairs.

For purposes of this paragraph (c) (1), the term "immediate family" includes only a son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, stepchild and adopted child.

(2) *Occupancy by contract-purchaser.* Where it is established that a person has an enforceable contract to purchase the housing accommodations, and that he seeks in good faith to recover possession thereof for his immediate and personal use and occupancy as housing accommodations, or for the immediate and personal use and occupancy as housing accommodations by a member or members of his immediate family (as defined in subparagraph (1) of this paragraph): *Provided, however,* That,

(a) Where such purchase contract does not give the contract purchaser the right of immediate possession to the housing accommodations, no certificate shall be issued until after title has been transferred to the contract purchaser; and

(b) It is established that such contract purchaser, if title were transferred, would be entitled to a certificate under subparagraph (1) of this paragraph.

(3) *Alterations or remodeling.* Where a landlord establishes that he seeks in good faith to recover possession for the immediate purpose of substantially altering or remodeling the housing accommodations, for continued use as housing accommodations, in a manner which cannot practicably be done with the tenant in possession, or for the immediate purpose of demolishing them, provided that the landlord has obtained such approval for the proposed alterations or remodeling or demolition as may be required by federal, state and local law.

(4) *Landlord is tax-exempt organization.* Where the landlord establishes that it is an organization exempt from taxation under section 101 (6) of the Internal Revenue Code, and that it seeks in good faith to recover possession of the housing accommodations for the immediate and personal use and occupancy as housing accommodations by members of its staff.

(5) *Withdrawal from rental market.* Where the landlord establishes that he seeks in good faith to recover possession of the housing accommodations for the immediate purpose of (a) making a permanent conversion to commercial use by substantially altering or remodeling them or (b) personally making a permanent use of them for non-housing purposes or (c) permanently withdrawing them from both the housing and non-housing rental markets without any intent to sell the housing accommodations.

(d) *Eviction certificates; waiting period.* Certificates issued under paragraph (c) of this section shall authorize the pursuit of local remedies at the expiration of three months from the date of the filing of the petition: *Provided, however,* That:

(1) In cases under paragraph (c) (5) of this section the waiting period shall be six months;

(2) In cases under paragraph (c) (2) (a) of this section the waiting period shall extend at least until two months from the date the certificate is issued;

(3) In any case where the Expediter finds that by reason of exceptional circumstances extreme hardship would result to the landlord, he may waive all or part of the waiting period.

(e) *Change of intention.* Any certificate issued under paragraph (c) of this section shall not be used in connection with any action to remove or evict a tenant unless such removal or eviction is sought for the purpose specified in the certificate.

In the event that the landlord's intentions or circumstances so change that the premises, possession of which is sought, will not be used for the purpose specified in the certificate, the certificate shall thereupon be null and void. The landlord shall immediately notify the Area Rent Director in writing and surrender the certificate for cancellation.

(f) *Local law.* No provision of this section shall be construed to prohibit a landlord who has obtained a certificate under paragraph (c) of this section from serving, prior to the expiration of the waiting period specified in said certificate, such notice or notices as may be required by the local law, provided that such notice or notices do not demand surrender of possession until after expiration of said waiting period.

(g) *Exceptions.* The provisions of this section do not apply to:

(1) *Subtenants.* A subtenant or other person who occupies or occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless the rental agreement between the landlord and tenant contemplated the subletting by the tenant of the entire accommodations or substantially all of the individual units therein, or unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Public housing.* Notwithstanding any other provisions of this section, the United States or any State or local public agency may maintain an action or proceeding to recover possession of any housing accommodations operated by it where such action or proceeding is authorized by the statute or regulations under which such accommodations are administered.

(h) *Pending cases.* (1) In any case where a landlord has given a tenant a written notice, prior to April 1, 1949, in accordance with section 209 (c) of the Housing and Rent Act of 1947, as amended, as it read prior to April 1, 1949, or where no notice was required by that section of said act and a court proceeding for removal or eviction is pending on April 1, 1949, the landlord need not comply with the notice requirements under parargaph (b) of this section provided that the ground for removal or eviction relied upon in such cases is a ground for removal or eviction under paragraph (a) of this section. If in any such case the ground for removal or eviction is not a ground for removal or eviction under paragraph (a) of this section and a certificate is applied for and issued in accordance with paragraph (c) of this section the Housing Expediter may reduce the waiting period, taking into consideration the time elapsed since notice was given.

(2) The provisions of this section shall not apply to any case in which judgment was entered prior to April 1, 1949 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations: *Provided, however,* That the provisions of this section shall apply unless said judgment was obtained in accordance with the provisions of the Housing and Rent Act of 1947, as amended by the Housing and Rent Act of 1948.

§ 825.7 *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such registration

statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by §§ 825.1 to 825.12 for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration statement as the landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter) constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodation whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) [Revoked.]

(d) *Housing in Puerto Rico Defense-Rental Area.* The provisions of paragraph (d) of this section shall be substituted for the provisions of paragraph (a) of this section for housing accommodations in the Puerto Rico defense-rental area.

Every landlord of housing accommodations rented or offered for rent shall file in the area rent office a form provided by the area rent office for this purpose, unless a form was heretofore filed in accordance with the provisions of section 7 (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such form shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such form shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The form shall identify each dwelling unit and shall specify the maximum rent provided by §§ 825.1 to 825.12, inclusive, for such dwelling unit and shall contain such other information as the Expediter shall require.

(1) *Notice of maximum rent.* The landlord shall prepare the form known as "Notice of Maximum Rent", if the maximum rent for the dwelling unit was originally determined under paragraph (a) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The landlord shall prepare the notice in duplicate and shall send one copy to the tenant and one copy to the area rent office.

(2) *Registration statement.* The landlord shall prepare the form known as "Registration Statement" if the maximum rent for the dwelling unit originally was, or is, determined otherwise than indicated in subparagraph (1) of this paragraph. The landlord shall prepare the registration statement in triplicate and shall send the three copies to the area rent office. The Expediter shall retain one copy on file and he shall cause one copy to be delivered to the tenant and one copy stamped to indicate that it is a correct copy of the original, to be returned to the landlord.

(3) *Change of landlord.* Where, since the filing of the notice of maximum rent or the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him, a true copy of said original, which may be used to satisfy all the requirements of this paragraph.

Any notice, order or other process or paper directed to the person named on the registration statement or on the notice of maximum rent as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter), constitute notice to the person who is then the landlord.

§ 825.8 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.1 to 825.12 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

§ 825.9 *Enforcement.* (a) Persons violating any provision of §§ 825.1 to 825.12, are subject to civil enforcement actions and suits for treble damages as provided by the act.

(b) Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations or housing accommodations which the Expediter has reason to believe may be controlled housing accommodations shall, as the Expediter may from time to time require, furnish information under oath or affirmation or otherwise, permit inspection and copying of records and other documents and permit inspection of any such housing accommodations. Any person who rents or offers for rent, or acts as a broker or agent for the rental of, any controlled housing accommodations shall, as the Expediter may from time to time require, make and keep records and other documents and make reports.

§ 825.10 *Procedure.* All registration statements, reports and notices provided for by §§ 825.1 to 825.12 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall

be filed with such office in accordance with Rent Procedural Regulation 2 (Part 840 of this chapter).

§ 825.12 *Adoption of orders.* All orders issued pursuant to section 2 (c), 2 (d) (3) and 2 (d) (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.1 to 825.12, unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation shall become effective July 1, 1947. [Originally issued June 30, 1947.]

Issued September 1, 1949.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7520; Filed, Sept. 16, 1949; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

EXEMPTION OF DECORTICATION AND DRYING OF RAMIE FIBRE AS AN INDUSTRY OF SEASONAL NATURE

An application was filed for a determination that the industry engaged in the decortication and drying of ramie fibre constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 20 (b) (3)) and the regulations contained in this part.

It appeared from the application that (1) there is an industry which is engaged in the decortication and drying of ramie fibre; (2) ramie matures and is harvested during a regularly recurring season each year beginning about the middle of May and ending about the middle of August each year; (3) ramie stalks must be decorticated not later than 12 hours after cutting to prevent spoilage; (4) ramie stalks are decorticated and dried during a regularly recurring season of approximately 22 weeks each year; and (5) ramie processing establishments cease production during the remainder of the year except for such work as maintenance, repair, clerical and sales work, because ramie stalks are no longer available for decortication and drying as a result of natural conditions.

It also appeared from the application that practically all of the ramie produced in the United States is decorticated and dried in the State of Florida.

No information is available with respect to the decortication and drying of ramie fibre elsewhere in the United States.

On August 11, 1949, upon consideration of the facts stated in the application, the Administrator determined, pursuant to § 526.5 (b) (2), that a prima facie case had been shown for finding that the industry engaged in the decortication and drying of ramie fibre in the State of Florida constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part. This preliminary determination was published in the FEDERAL REGISTER on August 18, 1949, and interested persons were given 15 days from such date to file objections or a request for a hearing.

No objection or request for hearing has been received within the said 15 days.

Accordingly, pursuant to § 526.5 (b) (2) of the regulations contained in this part, the Administrator hereby finds that the industry engaged in the decortication and drying of ramie fibre in the State of Florida constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part.

The term "decortication and drying of ramie fibre" includes the receipt of ramie stalks at the factory site, topping, decorticating, squeezing, heat drying, baling, shipping, and any operations or services necessary or incident to the foregoing during seasonal operations.

This determination shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of September 1949.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 49-7517; Filed, Sept. 16, 1949; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 606]

OREGON AND WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use in construction of the McNary (Umatilla) Dam and Reservoir Project in the Columbia River, under the supervision of the Department of the Army as authorized by the act of March 2, 1945 (59 Stat. 10, 22):

OREGON

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 10, S½SE¼;
Secs. 12 and 14,
T. 5 N., R. 29 E.,
Sec. 16, lots 1, 2, 3, and 4.
T. 5 N., R. 30 E.,
Sec. 4, lots 1, 6, 7, 8, S½SW¼, SE¼;
Sec. 8, E½NE¼, S½NW¼, W½SW¼;
Sec. 18, N½ of lot 2 of NW¼.
T. 6 N., R. 30 E.,
Sec. 25, lots 3, 6, 7, SE¼SW¼, NW¼SE¼;
Sec. 34, lots 4, 5, 6, 7, S½SE¼;
Sec. 35, S½NE¼, E½SW¼.
T. 6 N., R. 31 E.
Sec. 18, lots 1, 2, 3, SE¼SE¼;
Sec. 19, NW¼NE¼.

All unsurveyed islands in the Columbia River in the above-described townships.

The areas described, exclusive of unsurveyed islands, aggregate 2,464.72 acres.

WASHINGTON

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, 4, 6, 7, and 8;
Sec. 4, lots 1, 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼;
T. 10 N., R. 28 E.,
Sec. 2, lot 8, W½NW¼.
T. 11 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, 4, 5, 6, S½NW¼, SW¼;
Sec. 12, lots 1, 2, 3, 4, W½E½W½.
T. 12 N., R. 28 E.,
Sec. 14, lot 6;
Sec. 26, lots 2, 3, 4, 5, W½W½.
T. 5 N., R. 29 E.,
Sec. 4, SW¼;
Sec. 8, lots 1 and 2;
Sec. 10, lot 1.
T. 5 N., R. 30 E.,
Sec. 6, lots 2, 3, 4, SW¼NW¼.
T. 6 N., R. 30 E.,
Sec. 13, SW¼NE¼, SE¼SW¼;
Sec. 28, NE¼SE¼.
T. 8 N., R. 30 E.,
Sec. 24, unsurveyed island.
T. 6 N., R. 31 E.,
Sec. 4, lot 1;
Sec. 5, lots 2, 3, SE¼NW¼;
Sec. 8, lot 3;
Sec. 17, lots 1, 2, 3, 4, NE¼NW¼, NW¼NE¼;
Sec. 18, lot 2.
T. 7 N., R. 31 E.,
Sec. 6, lot 3;
Sec. 14, W½;
Sec. 24, SW¼;
Sec. 33, lots 1 and 2.
T. 9 N., R. 31 E.,
Sec. 24, lots 1, 2, 3, 4;
Sec. 28, lot 4, SE¼NE¼.
T. 7 N., R. 32 E.,
Sec. 19, S½NE¼, SE¼NW¼, SW¼SW¼, NE¼SW¼.

All unsurveyed islands in the Columbia River in the above-described township and in T. 9 N., R. 29 E.

The areas described, exclusive of unsurveyed islands aggregate 3,259.80 acres.

This order shall be subject to (1) Public Land Order No. 165 of September 6, 1943, withdrawing lands for the use of the War Department for military purposes, so far as such order affects lots 1, 2, 3, 4, 5, 6, S½NW¼, SW¼ sec. 2, T. 11 N., R. 28 E., lots 2, 3, 4, 5, W½W½ sec. 26, T. 12 N., R. 28 E., W. M., Washington, (2) Public Land Order No. 191 of November 1, 1943, withdrawing public lands for the use of the War Department for military purposes, so far as such order affects lot 8, W½NW¼ sec. 2, T. 10 N., R. 28 E., W. M., Washington, and (3) Public Land Order No. 261 of January 24, 1945, withdrawing public lands for the use of the War Department for military purposes so far as such order affects lot 6,

sec. 14, T. 12 N., R. 28 E., W. M., Washington.

This order shall take precedence over but not modify (1) the Executive Order of May 11, 1915, Power Site Reserve No. 486, (2) the Executive Order of June 2, 1920, Power Site Reserve No. 742, (3) Executive Order No. 6910 of November 26, 1934, as amended, withdrawing the public lands in certain States for classification and other purposes, (4) Executive Order No. 6964 of February 5, 1935, as amended, withdrawing the public lands in certain States for classification and other purposes, (5) the order of November 13, 1941, of the Secretary of the Interior establishing Oregon Grazing District No. 7, and (6) the orders of August 16, 1905, December 26, 1913, and April 26, 1937, of the Secretary of the Interior, withdrawing certain lands for reclamation purposes, so far as said orders affect any of the above-described lands.

It is intended that the lands above described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

J. A. KRUG,
Secretary of the Interior.

SEPTEMBER 13, 1949.

[F. R. Doc. 49-7498; Filed, Sept. 16, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 315]

RECORD OF TRANSACTIONS IN FIREARMS

DEALERS' RECORDS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Secretary of the Treasury, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7 of the Federal Firearms Act (52 Stat. 1252; 15 U. S. C. 907).

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

Treasury Decision 5646, approved July 26, 1948 (26 CFR, Part 315), is amended by striking from § 315.19 (b) the first sentence thereof and inserting in lieu of such sentence the following: "Each licensed dealer shall maintain at each store or place where firearms are sold or kept a complete and adequate record of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of his business at such store or place. If desired, duplicate or additional records of transactions at branch establishments may also be maintained at the home or central establishment."

[F. R. Doc. 49-7534; Filed, Sept. 16, 1949; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 22]

CHURCHILL COUNTY, NEV.

NOTICE OF INTENTION TO DESIGNATE CERTAIN LANDS AS COOPERATIVE REFUGE AND WILDLIFE SANCTUARY

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237) and section 4 of the act of March 10, 1934 (48 Stat. 402) as amended by the act of August 14, 1946 (60 Stat. 1080) and the regulations issued pursuant thereto (50 CFR, Parts 18 and 22) notice is hereby given that the Director of the Fish and Wildlife Service intends to take the following action:

Pursuant to a cooperative agreement by and between the Truckee-Carson Irrigation District, the State Board of Fish and Game Commissioners of the State of Nevada, and the Fish and Wildlife Service of the United States Department of the Interior, which agreement was approved by the Secretary of the Interior on the 26th day of November 1948, the Truckee-Carson Irrigation District granted to the said State Board of Fish and Game Commissioners of the State of Nevada and the Fish and Wildlife Service, for a period of 50 years, the exclusive right to develop, control, manage, and administer certain lands aggregating approximately 205,000 acres in the County of Churchill, State of Nevada, for the purpose of conservation, rehabilitation, and management of wildlife, its resources and habitat, and for the purpose of operating and maintaining a public shooting ground and wildlife refuge. In accordance with a general plan which has been approved by the respective parties to the agreement, all of the lands are proposed to be developed jointly by the Nevada Game Commission and the Fish and Wildlife Service and administered as a cooperative refuge to be known as the Stillwater Wildlife Management Area, under the provisions of Part 22 of Title 50—Wildlife of the Code of Federal Regulations. The said approved plan further provides that certain lands within the said cooperative refuge will be managed as a sanctuary for game birds and game mammals, which lands are generally described as follows:

Lying about 15 miles east of the town of Fallon, Nevada, on the east side of Stillwater Slough, embracing all of Stillwater Reservoir and the lands contiguous thereto.

When the said lands are designated as a wildlife sanctuary, they will be administered under the regulations contained in Parts 18, 21 and 22 of Title 50—Wildlife, Code of Federal Regulations.

The foregoing designations are to be effective on October 14, 1949, and to continue in effect until further notice.

Interested persons are hereby given an opportunity to submit their views, data, or arguments with respect to these designations in writing to Mr. Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C.

Dated September 13, 1949.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 49-7550; Filed, Sept. 16, 1949; 9:00 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 53]

U. S. STANDARDS FOR CERTAIN CARCASS BEEF

EXTENSION OF TIME FOR FILING COMMENTS ON PROPOSED AMENDMENT

On August 12, 1949, pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), there was published in the FEDERAL REGISTER (14 F. R. 4984), a notice of a proposed amendment of the official United States standards for the Commercial grade of carcass beef (steer, heifer and cow) (7 CFR 53.104 (d)) under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1950 (7 U. S. C. Sup. 414). It was proposed to divide said grade into two new grades designated as Regular and Commercial with specifications therefor as set forth in the notice. The notice provided a 15 day period, now expired, within which interested persons could submit written data, views, or arguments to the Director of the Livestock Branch concerning the proposed amendment. It is now deemed advisable to provide additional time for such submission. Any person who wishes to do so may file written data, views, or arguments relating to the proposed amendment with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., on or before November 1, 1949.

Done at Washington, D. C., this 14th day of September 1949. Witness my

hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-7504; Filed, Sept. 16, 1949; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 120]

[Docket No. FDC-57]

TOLERANCES FOR POISONOUS OR DELETERIOUS RESIDUES ON OR IN FRESH FRUITS AND VEGETABLES

NOTICE OF HEARING

In the matter of regulations limiting the quantity of various poisonous or deleterious residues remaining on or in fresh fruits and fresh vegetables from substances used to control pests, such as insects and plant diseases, or to affect the metabolism of the plants; and in the matter of amending or repealing the regulation limiting the quantity of fluorine remaining as insecticidal residue on apples and pears (21 CFR, 1944 Supp., 120.1):

Notice is hereby given that the Federal Security Administrator, upon his own initiative and in accordance with the provisions of sections 406 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1049, 1055; 21 U. S. C. 346, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of January 17, 1950, in room 5140, Federal Security Building, Third Street and Independence Avenue SW., Washington, D. C., upon proposals to issue regulations limiting the quantity of poisonous or deleterious residue on or in fresh fruits and fresh vegetables and to amend or to repeal the regulation limiting the quantity of fluorine remaining as insecticidal residue on apples and pears (21 CFR, 1944 Supp., 120.1).

The proposals, in general terms, are as follows:

First, to take evidence on the following points:

1. Which fruits and vegetables require the addition or application of a poisonous or deleterious substance in their commercial production.

2. What poisonous or deleterious substances are required on each such fruit and vegetable for its commercial production.

3. To what extent can such substances be avoided by washing, cleaning, or otherwise removing residues from the fruits and vegetables before marketing.

4. The quantity of each poisonous or deleterious substance that can be tolerated on each such fresh fruit or fresh vegetable or on classes of fresh fruits and fresh vegetables without danger to public health, taking into consideration the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances from other sources.

Second, on the basis of such evidence (if it so indicates), it is proposed to promulgate regulations limiting the quantity of such poisonous or deleterious substances as are required on or in such fruits and vegetables, individually or by classes, the amount of the various substances tolerated to be fixed in terms of parts by weight, or by setting such other limits as is shown by the evidence to be necessary for the protection of public health.

Third, to repeal or to so amend the regulation limiting the quantity of fluorine remaining as insecticidal residue on apples and pears (21 CFR, 1944 Supp., 120.1), as to bring it into harmony with other regulations adopted.

For the purposes of the hearing on the points outlined above, evidence will be taken on any insecticidal or fungicidal substance, exclusive of inert ingredients therein, used on any fruit or vegetable.

Mr. Bernard D. Levinson is hereby designated as presiding officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

Dated: September 9, 1949.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 49-7564; Filed, Sept. 16, 1949; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON AND WASHINGTON

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY FOR FLOOD CONTROL PURPOSES [1]

For a period of 30 days from the date of publication of the above-entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

J. A. KRUG,
Secretary of the Interior.

SEPTEMBER 13, 1949.

[F. R. Doc. 49-7499; Filed, Sept. 16, 1949; 8:46 a. m.]

[1] See F. R. Doc. 49-7498, Title 43, Chapter I, Appendix, *supra*.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY

AGRICULTURAL RESEARCH ADMINISTRATOR

Pursuant to the authority vested in me by the Research and Marketing Act (60 Stat. 1082; 7 U. S. C. 427, 427h-427j, 1621-1629) the Agricultural Research Administrator is authorized and directed to administer the Research and Marketing Act, and to take such action as may be necessary or appropriate to the carrying out of this responsibility.

The Agricultural Research Administrator may redelegate such of the authority vested in him hereunder as he may deem appropriate.

The delegation of authority to the Administrator of the Research and Marketing Act (12 F. R. 7895) is superseded; however, regulations, procedures, delegations of authority, and similar instruments heretofore issued or approved by the Administrator of the Research and Marketing Act shall continue in full force and effect unless and until withdrawn or superseded by action of the Agricultural Research Administrator. Where existing Research and Marketing contracts indicate the performance of certain functions by the Administrator, Research and Marketing Act, such functions shall be performed by the Agricultural Research Administrator.

The reference to the Administrator, Research and Marketing Act, in regulations relating to contract work under the Research and Marketing Act (7 CFR, Part 1001) is changed to Agricultural Research Administrator wherever it appears in such regulations.

This delegation of authority is effective July 30, 1949.

Dated: September 14, 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-7505; Filed, Sept. 16, 1949; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

DELEGATIONS OF AUTHORITY RELATING TO ENFORCEMENT MATTERS UNDER EXPORT CONTROL ACT OF 1949

The Delegations of Authority Relating to Enforcement Matters under the Export Control Act of 1949, issued April 1, 1949 (14 F. R. 1620), is hereby amended to read as follows:

The outstanding delegation of authority by the Secretary of Commerce with respect to export control (11 F. R. 177A-803, 10389; 15 CFR, 1946 Supp.; 13 F. R. 747) is amended to include specifically the following delegations relating to enforcement powers and functions contained in the Export Control Act of 1949 (63 Stat. 7):

A. Loring K. Macy, Assistant Director, and Wallace S. Thomas, Deputy Assistant Director of the Office of International Trade are each authorized (1) to require reports and the keeping of records by any person, to the extent necessary or appropriate to the enforcement of said export control authority, and require any person to permit the inspection of books, records, and other writings, premises, or property of, any person; (2) to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation necessary or appropriate to the enforcement of said export control authority; and (3) to issue rules and regulations applicable to the financing, transporting, and other servicing of exports and the participation therein by any person, necessary to achieve effective enforcement.

B. Milton M. Thompson, Compliance Commissioner of the Office of International Trade, is authorized, in any proceeding for the denial of licensing privileges under the Export Control Act of 1949, (1) to administer oaths and affirmations, and (2) to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both.

C. Said Assistant Director and Deputy Assistant Director of the Office of International Trade are further authorized, and the Chief of the Enforcement Staff of the Office of International Trade, and any person employed in said Enforcement Staff and certified to be a special agent thereof by the Administrative Officer of the Department of Commerce, are each also authorized, (1) to make investigations, obtain information, inspect books, records, and other writings premises, or property of, and take the sworn testimony of, any person; and (2) to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony, concerning any matter under investigation necessary or appropriate to the enforcement of the export control authority vested in me.

D. Said Assistant Director and Deputy Assistant Director of the Office of International Trade are further authorized to prescribe appropriate procedures or rules and regulations for the exercise of the powers and functions delegated to any person by this order.

(Pub. Law 11, 81st Cong.; E. O. 9630, September 27, 1945, 10 F. R. 12245; E. O. 9919, January 3, 1948, 13 F. R. 59)

THOMAS C. BLAISDELL, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 49-7497; Filed, Sept. 16, 1949; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1973 et al.]

FAIRBANKS-NOME INTERMEDIATE POINTS CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of certain air carriers for amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and for an exemption from the provisions of section 401 of the act.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding reopened with respect to the selection of the carrier or carriers to operate all or part of the route between the terminal point Fairbanks, the intermediate points Hot Springs, Tanana, Kokrines, Ruby, Galena, Koyukuk, and the terminal point Nulato, heretofore awarded to Northern Consolidated Airlines, Inc., is assigned to be held on September 28, 1949, at 10:00 a. m., e. s. t., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 13, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-7516; Filed, Sept. 16, 1949; 8:48 a. m.]

[Docket No. 3748 et al.]

AMERICAN AIRLINES, INC., ET AL.; SERVICE TO SPRINGFIELD, MASS., CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of American Airlines, Inc., requesting change of airport serving Springfield, Mass., and the applications of American Airlines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc., for amendments of their respective certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, previously assigned to be held on September 19, is postponed to October 3, 1949, at 10:00 a. m., e. s. t., in Room 2015, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., September 13, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-7515; Filed, Sept. 16, 1949; 8:48 a. m.]

[Docket No. 3748 et al.]

AMERICAN AIRLINES, INC., ET AL.; SERVICE TO SPRINGFIELD, MASS., CASE

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of the application of American Airlines, Inc., requesting change of airport serving Springfield, Mass., and the applications of American Airlines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc., for amendments of their respective certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, previously assigned to be held on October 3, 1949, is postponed to October 17, 1949, at 10:00 a. m. (eastern standard time), in Conference Room "C" of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., September 15, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-7570; Filed, Sept. 16, 1949; 9:22 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-992]

CRYSTAL CITY GAS CO. AND ALLEGANY GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1949.

On January 28, 1948, Crystal City Gas Company (Crystal City), a New York corporation having its principal place of business at Corning, New York, and Allegany Gas Company (Allegany), a Pennsylvania corporation having its principal place of business at Port Allegany, Pennsylvania, filed a joint application, as supplemented on August 3, 1948, April 18, 1949, July 14, 1949, and August 22, 1949, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Crystal City to acquire and operate certain natural-gas facilities in the State of New York, subject to the jurisdiction of the Commission, and for approval of abandonment by Allegany Gas of the facilities proposed to be acquired and operated by Crystal City.

The facilities are more particularly described in the application and supplements thereto on file with the Commis-

sion and open to public inspection, and in the notice of filing of application hereinafter adverted to.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Crystal City and Allegany Gas having requested that their application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 19, 1948 (13 F. R. 752).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 29, 1949, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: September 14, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7509; Filed, Sept. 16, 1949; 8:47 a. m.]

[Docket No. G-1239]

BILLINGS GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1949.

On July 11, 1949, Billings Gas Company (Applicant), a Montana corporation having its principal place of business in Billings, Montana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the acquisition and operation of certain underground storage facilities, subject to the jurisdiction of the Commission, as is more fully described in the application on file with the Commission and open to public inspection.

Applicant has requested omission of the intermediate decision procedure under the provisions of § 1.32 of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 22, 1949 (14 F. R. 4602).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 27, 1949, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of said rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of said rules of practice and procedure.

Date of issuance: September 14, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7510; Filed, Sept. 16, 1949; 8:48 a. m.]

[Docket No. G-1260]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

On August 17, 1949, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 27, 1949 (14 F. R. 5348).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on September 27, 1949, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: September 13, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7511; Filed, Sept. 16, 1949; 8:48 a. m.]

[Docket No. G-1273]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

SEPTEMBER 13, 1949.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, address Houston, Texas, filed on September 6, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas to the United Fuel Gas Company for resale to its affiliate, Virginia Gas Transmission Corporation which will provide a supply of natural gas to the Commonwealth Natural Gas Company for ultimate public consumption in Richmond, and communities in Tidewater, Virginia.

Applicant proposes to make the proposed sales of natural gas to United Fuel Gas Company in accordance with the terms of a contract providing for delivery, at the Seller's option, and sale of gas during summer months and other off-peak seasons when Applicant's delivery capacity is greater than its system demands. The proposed rate for the gas to be sold is 15.5¢ per Mcf, and the estimated annual sales are 20,000,000 Mcf. Estimated annual revenues from the proposed sales are $3,100,000. Construction of additional facilities will not be required nor will additional capital cost be incurred in connection with the proposed sales.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7508; Filed, Sept. 16, 1949; 8:47 a. m.]

[Project Nos. 175, 1925, 1988]

FRESNO IRRIGATION DISTRICT AND PACIFIC GAS AND ELECTRIC CO.

ORDER CHANGING DATE FOR ORAL ARGUMENT

SEPTEMBER 13, 1949.

In the matters of Fresno Irrigation District, Project No. 1925; Pacific Gas

and Electric Company, Projects Nos. 175 and 1988.

On September 9, 1949, counsel for the Bureau of Reclamation, United States Department of the Interior, requested that the date for oral argument upon the exceptions to the presiding examiner's decision in the above entitled matters heretofore fixed for September 22, 1949, be changed to October 13, 1949. Counsel for the two applicants and Commission staff counsel advise that they have no objection to the requested change.

The Commission orders:

The date for oral argument upon the exceptions to the decision of the presiding examiner in the above-entitled matters be and it is hereby changed to October 13, 1949, at 10:00 a. m. e. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: September 14, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7512; Filed, Sept. 16, 1949; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Temporary Reg. 6]

TRANSFER OF SURPLUS EQUIPMENT, MATERIALS, BOOKS AND OTHER SUPPLIES TO EDUCATIONAL INSTITUTIONS FOR EDUCATIONAL PURPOSES

Temporary Regulation No. 6 is hereby prescribed pursuant to the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (Pub. Law 152, 81st Cong.).

SECTION 1. *Definitions*—(a) *Excess.* The term "excess" when used with respect to any property or equipment means any property or equipment under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

(b) *Surplus.* The term "surplus" when used with respect to any property or equipment means any excess property or equipment not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Admnistrator of General Services.

(c) *Executive agency.* The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly-owned Government corporation.

(d) *Federal agency.* The term "Federal agency" means any executive agency or any establishment in the legislative or judical branch of the Government (except the Senate and the House of Representatives).

(e) *Holding agency.* The term "holding agency" means the executive agency which is accountable for the property involved.

(f) *Educational institution.* The term "educational institution" means any tax-supported school system, school, college and university, any other non-profit school, college and university which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code and any State department of education or other State agency authorized by State law to receive property for and distribute it to such tax-supported and non-profit school systems, schools, colleges and universities within the State.

(g) *Equipment.* The term "equipment" means tangible equipment, materials, books or other supplies, but shall not include aircraft components or electronic equipment in the inventory of War Assets.

SEC. 2. *Reporting of excess personal property.* All executive agencies shall report to the Bureau of Federal Supply, General Services Administration, excess personal property as it becomes available, in the manner prescribed in Bureau of Federal Supply Circular Letter C-1 Revised, dated July 29, 1948, and supplements and revisions thereof (hereinafter collectively referred to as "Circular Letter C-1"), with due consideration being given to the exemptions set forth therein with respect to the reporting of certain items of excess personal property.

SEC. 3. *Needs of Federal agencies paramount.* Any need for excess property expressed by any Federal agency during the forty (40) day utilization period provided for in Circular Letter C-1, in accordance with the procedure therein provided, shall be paramount to any educational use designation by the Federal Security Administrator.

SEC. 4. *Screening of personal property for educational purposes.* Pending a determination by the Administrator of General Services as to the types or classes of surplus personal property which shall be made available for educational purposes, the Bureau of Federal Supply shall make all reports of excess personal property available to the Federal Security Administrator who shall, during the 40-day period set aside for claiming such property by executive agencies, as prescribed in Circular Letter C-1, have authority to screen such property at all Bureau of Federal Supply offices and other designated points, in order to determine whether such property includes equipment which is usable and necessary for educational purposes. Holding agencies shall also permit officials designated by the Federal Security Administrator to screen for the same purpose excess personal property not reportable under Circular Letter C-1.

SEC. 5. *Surplus equipment necessary for educational purposes.* The Federal Security Administrator shall, within ten (10) days after the conclusion of the 40-day screening period prescribed in Circular Letter C-1, transmit to the holding agency a formal determination designating any equipment which he finds usable and necessary for educational purposes. A copy of such determination shall be forwarded to the Administrator of General Services. If at the time such formal determination is received by the holding agency the equipment designated thereon is still not needed by the holding agency and has not been requested by any Federal agency, such equipment shall be deemed to be surplus property and shall be set aside by the holding agency for transfer for educational uses unless the Administrator of General Services, or his designee for the purpose, determines that it should be disposed of in another manner or unless such transfer is precluded or otherwise controlled by law.

SEC. 6. *Transfer for educational purposes.* Within 40 days following the 40-day screening period prescribed in Circular Letter C-1, the Federal Security Administrator shall allocate the equipment set aside for educational purposes and furnish to the holding agency notice of the allocation, shipping instructions, and any other pertinent documents. Upon receipt of such documents, unless contrary instructions shall have been received from the Administrator of General Services, the holding agency shall ship the equipment in accordance with such shipping instructions and shall notify the Federal Security Administrator of the items so shipped.

SEC. 7. *Shipping costs.* Actual costs of packing, handling and shipping connected with the transfer of equipment to educational institutions will be borne by the educational institutions receiving such equipment.

SEC. 8. *Disposal after expiration of the time period.* Any holding agency, if authorized by law, may dispose of surplus property without regard to any other provision of this regulation whenever (a) the Federal Security Administrator shall not have furnished a determination that such property is usable and necessary for educational purposes within ten (10) days after the conclusion of the 40-day screening period prescribed in Circular Letter C-1 or (b) the Federal Security Administrator shall not have furnished to the holding agency notice of allocation, shipping instructions, and other pertinent documents within the period prescribed in section 6. However, the holding agency may, if it finds such action appropriate under the circumstances, recognize such determinations, notices, allocations, or shipping instructions subsequent to the expiration of any time period referred to herein.

SEC. 9. *Effective date.* The regulation shall become effective September 13, 1949.

JESS LARSON, *Administrator of General Services.*

[F. R. Doc. 49-7518; Filed, Sept. 16, 1949; 8:52 a. m.]

[Temporary Reg. 7]

TRANSFER OF SURPLUS REAL PROPERTY TO EDUCATIONAL AND PUBLIC HEALTH INSTITUTIONS FOR EDUCATIONAL AND PUBLIC HEALTH PURPOSES

Temporary Regulation No. 7 is hereby prescribed pursuant to the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (Pub. Law 152, 81st Cong.).

SECTION 1. *Definitions*—(a) *Real property.* The term "real property" means any interest owned by the United States, including any wholly-owned Government corporation, in land and any fixtures, equipment, or improvements thereon of any kind, except the public domain and lands reserved or dedicated for national forest or national park purposes.

(b) *Excess.* The term "excess" when used with respect to real property means any such property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

(c) *Surplus.* The term "surplus" when used with respect to any real property, means any excess real property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

(d) *Executive agency.* The term "executive agency" means any executive department or independent establishment in the executive branch of the Government including any wholly-owned Government corporation.

(e) *Federal agency.* The term "Federal agency" means any executive agency or establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).

(f) *Holding agency.* The term "holding agency" means the executive agency which is accountable for the property involved.

SEC. 2. *Reporting of excess real property.* All executive agencies shall report excess real property by letter to the Administrator of General Services as it becomes available, giving name, location, and approximate cost of the property.

SEC. 3. *Needs of Federal agencies paramount.* Any need for excess property expressed by any Federal agency shall be paramount to any educational use designation by the Federal Security Administrator.

SEC. 4. *Screening by Federal Security Administrator.* Pending a determination by the Administrator of General Services as to the types or classes of surplus real property which shall be made available for educational or public health purposes, the General Services Administration shall make all reports of excess real property received by it available to the Federal Security Administrator who shall have authority to screen such property at General Services Administration offices, and at other designated points, for the purpose of requesting surplus real property which is usable and necessary for educational or public health purposes.

SEC. 5. *Determination and recommendation by Federal Security Administrator.* When it is determined that real property is surplus, the Federal Security Administrator may make a determination that such real property is usable and necessary for educational or public health purposes, and thereupon recommend to the Administrator of General Services that such property be assigned to the Federal Security Administration for disposal. A copy of such recommendation shall be sent simultaneously to the holding agency. Pending action by the Administrator of General Services upon such recommendation such property will continue to be held by the holding agency.

SEC. 6. *Effective date.* This regulation shall become effective September 13, 1949.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 49-7519; Filed, Sept. 16, 1949; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 4-A]

UNION RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 4, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 4 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 9:00 a. m., September 13, 1949.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 13, 1949.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 49-7513; Filed, Sept. 16, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-616]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of September A. D. 1949.

Notice is hereby given that Investors Diversified Services, Inc., (formerly Investors Syndicate), a registered face amount certificate company, has filed an application pursuant to Rule N-17D-1 regarding an incentive pay plan to be entered into by and between the applicant and persons offering for sale and selling certificates and other securities for which the applicant is the underwriter, the contract being of similar purport, terms and conditions as a like plan for the year of 1948.

The applicant is registered with this Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc., a registered face amount certificate company and a wholly-owned subsidiary company and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc., registered management investment companies which were organized and promoted by the predecessor of the applicant and which are affiliated with said applicant.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after the 26th day of September 1949 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than the 23d day of September 1949 at 5:30 p. m. e. d. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-7500; Filed, Sept. 16, 1949; 8:46 a. m.]

[File No. 59-15]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 14th day of September A. D. 1949.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company, has filed an application with this Commission requesting approval of the renewal, for a period of one year from October 11, 1949, of certain notes in the aggregate amount of $10,300,000 and requesting an extension to October 9, 1950, of the time in which NEPSCO must sell sufficient of its holdings of utility stocks to repay such notes in full.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the reasons for such request, which are summarized as follows:

The Commission, by orders dated June 27, 1947, and September 12, 1947, and the United States District Court for the District of Maine, by order dated August 6,

1947, approved pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") a plan for the retirement of NEPSCO's Prior Lien Preferred stock which provided, among other things, for the borrowing by NEPSCO of an amount not in excess of $16,000,000 for the period of one year from The First National Bank of Boston and four other banks and trust companies and for the sale within one year after the date of the loan of sufficient of NEPSCO's holdings of utility stocks to repay the loan unless the Commission granted one or more extensions of time.

On October 9, 1947, NEPSCO, pursuant to the plan, borrowed an aggregate amount of $13,500,000 at an interest rate of 2¼%, for a period of one year with the right to two successive renewals for a period of one year each provided the Commission should approve renewals. Under the loan agreement NEPSCO is obligated to make quarterly payments of $400,000 on account of principal. As a result of such payments the notes have now been reduced to $10,700,000 and an additional payment of $400,000 will be made on October 1, 1949.

NEPSCO, on September 20, 1948, filed a declaration with this Commission (File No. 70–1951) contemplating the sale by NEPSCO of 200,000 shares of the common stock of its subsidiary Public Service Company of New Hampshire ("New Hampshire") for the purpose of applying the proceeds to the reduction of the notes. The present application states that due in large part to the necessity of providing equity financing for New Hampshire said 200,000 shares of common stock have not been offered for sale. On May 13, 1949, NEPSCO filed an amendment to said declaration stating its intention, subject to circumstances not then foreseen, to sell the 200,000 shares of common stock of New Hampshire in September 1949. On June 13, 1949, New Hampshire issued and sold to the public through underwriters 104,804 shares of its common stock. NEPSCO states that it is informed that the sale of such stock by the underwriter was not fully completed until five weeks from the date of the initial public offering and that it is now of the opinion that the sale by it of common stock of New Hampshire during September 1949 would be undesirable and that NEPSCO now proposes to sell 200,000 shares of the common stock of New Hampshire in the latter part of 1949 or in January 1950.

The application further states that NEPSCO is informed that its subsidiary, Central Maine Power Company, plans to issue and sell in October 1949 approximately 200,000 shares of its common stock along with offerings of other of its securities, consisting of bonds and preferred stock, and that NEPSCO believes that an offering by it of any of the common stock of Central Maine Power Company would interfere with the issue of stock by that company itself.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application should not be granted except pursuant to further order of this Commission:

It is ordered, That, pursuant to the applicable provisions of the act and the rules and regulations thereunder, a hearing with respect to said application be held on September 30, 1949, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission before 5:30 p. m., e. s. t., September 28, 1949, his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether NEPSCO has been unable in the exercise of due diligence to comply with the provisions of its amended plan providing for the sale of sufficient of its utility stocks to repay its bank loan made in connection therewith.

2. Whether the proposed renewal of the bank notes meets the requirements of section 7 of the act and whether such renewal and the proposed extension of the time in which NEPSCO must sell sufficient of its holdings of utility stocks to repay its bank notes will be detrimental to the carrying out of section 11.

3. Generally, whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder, and whether any terms and conditions with respect to such transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on NEPSCO and on all persons heretofore granted participation in this proceeding, and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7554; Filed, Sept. 16, 1949; 9:00 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13698]

MAX RUNGE

In re: Estate of Max Runge, deceased. File No. D–28–8695; E. T. sec. 10545.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Henschel, Alfred Henschel, Richard Preusse, Max Preusse, Alexander Firchow, Else Schulz, Ilse Schulz, Helmuth Schulz, Anna Preusse, Else Schneppart, Klaus Neve, Josias Neve, Frieda Schmidt, Willy Neve, Carl Joehnke and Amalie Jacobi, whose last known address was on May 24, 1949, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Cash in the sum of $5,655.67

b. Sixteen nineteenths (16/19ths) of five (5) Illinois Bell Telephone Company First Mortgage 2¾% Series A Bonds, each having a face value of $1,000.00 bearing the numbers 35148, 35149, 35150, 35530 and 35531, together with all rights thereunder and thereto,

was paid, conveyed, transferred, assigned or delivered to the Attorney General of the United States by Louise Barth, Executrix of the Estate of Max Runge, deceased;

3. That the property described in subparagraph 2 hereof was accepted by the Attorney General of the United States on May 24, 1949, pursuant to the Trading With the Enemy Act, as amended;

4. That the property described in subparagraph 2 is presently in the possession of the Attorney General of the United States, and was property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on May 24, 1949, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7491; Filed, Sept. 15, 1949; 8:50 a. m.]

[Vesting Order 13783]

IMRE TAKACS

In re: Estate of Imre Takacs, also known as Emery Takacs, deceased. File No. D-34-827; E. T. sec. 13058.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Boldizar Takacs, whose last known address was, on April 17, 1947, Hungary, was on such date a resident of Hungary and a national of a designated enemy country (Hungary);

2. That the sum of $1271.29 was paid to the Attorney General of the United States by Albert Olson, Administrator of the estate of Imre Takacs also known as Emery Takacs, deceased;

3. That the said sum of $1271.29 was accepted by the Attorney General of the United States on April 17, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $1271.29 is presently in the possession of the Attorney General of the United States and was property in the process of administration by the aforesaid Albert Olson, Administrator, acting under the judicial supervision of the Probate Court, District of Berlin, Connecticut, which was payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on April 17, 1947, the national interest of the United States required that such person be treated as a national of a designated enemy country (Hungary) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7494; Filed, Sept. 15, 1949; 8:51 a. m.]

[Vesting Order 13786]

LUISE WEISNER

In re: Estate of Luise Weisner, also known as Luise Wiesner, as Luise Belser and Luise Gaal, deceased. File No. D-28-9366; E. T. sec. 12406.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Frederich Belser, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Luise Weisner, also known as Luise Wiesner, as Luise Belser and as Luise Gaal, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry A. Fisher, as executor, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7493; Filed, Sept. 15, 1949; 8:50 a. m.]

[Vesting Order 13754]

YUKI FUKUBA

In re: Bank account owned by Yuki Fukuba. F-39-6524-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yuki Fukuba, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yuki Fukuba, by The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, account number 16766, entitled Yuki Fukuba, evidenced by Receiver's Liability Number 494, in the amount of $1,688.98 as of December 31, 1945, maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 29, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7522; Filed, Sept. 16, 1949; 8:52 a. m.]

[Vesting Order 13774]

RUDOLPH ROBERT LAUB

In re: Estate of Rudolph Robert Laub, deceased. D-66-1917; E. T. sec. 11076.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Laub, whose last known address is Germany, is a resident of Ger-

many and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Rudolph Robert Laub, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7523; Filed, Sept. 16, 1949; 8:53 a. m.]

[Vesting Order 13780]

ROBERT MULLER

In re: Rights of Robert Muller under insurance contract. File No. F-28-26872-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Muller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Group Annuity Certificate No. 85 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Robert Muller, pursuant to Group Annuity Contract No. AC 240, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7524; Filed, Sept. 16, 1949; 8:53 a. m.]

[Vesting Order 13781]

HUGO O. STURM

In re: Rights of Hugo O. Sturm under insurance contract. File No. F-28-24597-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo O. Sturm, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3238 003, issued by The Mutual Life Insurance Company of New York, New York, New York, to Hugo O. Sturm, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7525; Filed, Sept. 16, 1949; 8:53 a. m.]

[Vesting Order 13782]

KANEMITSU SUDZUKI

In re: Rights of Kanemitsu Sudzuki under insurance contract. File No. F-39-2106-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kanemitsu Sudzuki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 500 557, issued by the New York Life Insurance Company, New York, New York, to Kanemitsu Sudzuki, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7526; Filed, Sept. 16, 1949; 8:53 a. m.]

FILING OF CLAIMS IN RESPECT OF CERTAIN DEBTORS

ORDER EXTENDING TIME FIXED BY BAR ORDER NO. 1

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order No. 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947; 12 F. R. 3394, May 24, 1947; 14 F. R. 3798, August 25, 1947; and May 21, 1948, 13 F. R. 2763, see 8 CFR 501.2 (b) (2)) for the filing of debt claims in respect of Mitsui Bank, Ltd., the Sumitomo Bank, Ltd., and the Yokohama Specie Bank, Ltd., is hereby extended from August 8, 1948, to November 18, 1949.

All orders of the Chief Hearing Examiner for Debt Claims of the Office of Alien Property, entered prior to the execution of this bar order, whereby debt claims asserted in respect of the Mitsui Bank, Ltd., the Sumitomo Bank, and the Yokohama Specie Bank, Ltd., were dismissed for untimely filing, are hereby vacated and such claims are restored to a pending status in the Office of Alien Property.

Executed at Washington, D. C., this 13th day of September 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7529; Filed, Sept. 16, 1949; 8:54 a. m.]

[Vesting Order 13784]

PAULINE VIETEL

In re: Rights of Pauline Vietel also known as Paula Liebl under insurance contract. File No. D-28-12454-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Vietel also known as Paula Liebl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. G1010 Certificate No. 40346, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ludwig Skach, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7527; Filed, Sept. 16, 1949; 8:53 a. m.]

[Return Order 421]

JOHN I. GROSS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

John I. Gross, San Martino dell'Argine, (Mantova), Italy; Claim No. 4977; August 4, 1949 (14 F. R. 4853); $8,276.06 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7530; Filed, Sept. 16, 1949; 8:54 a. m.]

EMIL BERTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Emil Berte, No. 5 Theobaldgasse, Vienna VI, Austria; 28760; property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order Nos. 2981 (9 F. R. 1633, Feb. 11, 1944) and 1758 (9 F. R. 13773, Nov. 17, 1944) relating to the operetta "Blossom Time" (listed in Exhibit A of said vesting orders), including royalties pertaining thereto in the amount of $24,893.32.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7531; Filed, Sept. 16, 1949; 8:54 a. m.]

SOCIETE RATEAU LA COURNEUVE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Rateau La Courneuve, Seine Department, France; Claim No. 12805; Property described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent Nos. 2,127,172 and 2,219,070.

Property described in Vesting Order No. 293 (7 F. R. 9836, Nov. 26, 1942), relating to United States Patent Application Serial Nos. 428,304 (now Patent No. 2,371,889); 428,305 (now Patent No. 2,365,551); 434,985 (now Patent No. 2,372,686); 434,986 (now Patent No. 2,374,239); including Patent Application Serial No. 578,994; a division of Patent Application Serial No. 434,985 and Patent Application Serial No. 580,257; a division of Patent Application Serial No. 434,986.

An undivided one-half interest in and to property described in Vesting Order No. 666 relating to United States Letters Patent Nos. 2,245,954 and 2,280,765.

An undivided one-half interest in and to property described in Vesting Order No. 293 relating to United States Patent Application Serial Nos. 220,590 (now Patent No. 2,312,995); 367,667 (now United States Letters Patent No. 2,356,557) and 367,666 (now United States Letters Patent No. 2,396,911 upon which Reissue Application Serial No. 779,090 was filed Oct. 10, 1947).

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7532; Filed, Sept. 16, 1949; 8:55 a. m.]